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A VOLUME OF THE BOOK OF PRECEPTS
BY HEFEŞ B. YAŞLIAH

EDITED FROM AN ARABIC MS. IN THE LIBRARY OF THE
DROPSIE COLLEGE, TRANSLATED INTO HEBREW,
AND PROVIDED WITH CRITICAL NOTES AND
AN INTRODUCTION

BY B. HALPER, Dropsie College.

INTRODUCTION

I

THE ENUMERATION OF PRECEPTS

ALTHOUGH the Mosaic laws must have been exhaustively summed up during the early tannaitic period, no exact number of precepts contained in the Pentateuch is found in the Mishnah or Tosefta. The first indisputably explicit statement that the Lord gave Moses 613 precepts at Mount Sinai is that of R. Simlai,¹ a preacher of the third Christian century.² At first sight one is inclined to assume that R. Simlai is responsible for this far-

¹ This is the traditional pronunciation of this name. In Ezra 2. 46 we have the *Ketib* שְׁמַלַי and *Kerē* שְׁלֵמִי. Comp. Gen. 36. 36. Accordingly we ought to pronounce it *Samlai*.

² דרש רבי שמלאי תרי"ג מצות נאמרו לו למשה שלש מאות וששים וחמש לאוין כמנין ימות החמה ומאתים וארבעים ושמונה עשה כנגד איבריו של אדם. *R. Simlai preached: six hundred and thirteen precepts were revealed unto Moses, three hundred and sixty-five negative precepts, like the number of the days of the solar year, and two hundred and forty-eight positive precepts, corresponding to the number of the limbs of the human body* (Makkot 23 b).

reaching statement. Moïse Bloch who adopts this view gives an elaborate explanation of this talmudic passage.³ It is well known that many religious disputations took place between Jews and Christians during the third and fourth centuries. To some extent there was a danger that the line of demarcation between Jews and Christians would be removed, especially on account of the Jewish Christians. R. Simlai, a contemporary of Origen with whom he probably had some discussions, foresaw this danger, and in order to guard against the possible abrogation of certain ordinances, declared that just as the organization of the human body and the course of the sun are immutable, so are the Mosaic laws. Accordingly, the number 613 is not to be taken mathematically but symbolically. R. Simlai never meant to convey that all the Mosaic precepts amount to 613, but wished to emphasize their immutability by comparing them with two immutable phenomena of nature whose sum is 613.

However fascinating this theory may appear, there are serious objections which tend to invalidate it. To begin with, this number is found in the Midrashim, and is spoken of by subsequent Amoraim, as a fixed dogma.⁴ Had R. Simlai been the originator of this number, this statement would have been ascribed to him in at least one passage. One would expect to find such an assertion introduced by some such words as כדאמר ר' שמלאי, as is customary throughout the Talmud. It is almost inconceivable that

³ *RÉJ.*, I, p. 208.

⁴ See *Tanḥuma*, *Ki Tēyē*, ed. Buber, 2; Exod. Rabba 32. 1; Num. Rabba 13. 16; 18. 21; Shabbat 87 a; Yebamot 47 b; Nedarim 25 a; Shebu'ot 29 a. In all these places the statement that there are 613 precepts is indirectly referred to, and is obviously taken as a well-known fact.

a statement for which an individual preacher is responsible should be quoted as a self-evident truth which requires no support. Nobody in the Talmud or in the Midrash entertains any doubt as to the accuracy of the number. Such a fact would be all the stranger if R. Simlai intended that number to be symbolical. For it is obvious from the midrashic and talmudic passages that this number was taken in its mathematical sense.

Moreover, there are two passages in which Tannaim of the second century are credited with the knowledge of this number. In the Mekilta⁵ R. Simon b. Eleazar is reported to have said: והלא דברים קל וחומר ומה בני נח בשבע מצות בלבד לא יכלו לעמוד בהם בשש מאות ושלוש עשרה על אחת כמה וכמה. *If the children of Noah could not fulfil seven precepts, how much less will they be able to fulfil six hundred and thirteen!* It should be observed that this passage offers no conclusive evidence, since at the beginning the number is not mentioned, and Bloch may be right in considering it a later interpolation. Weiss,⁶ whom Bloch does not quote, arrives at the same conclusion, because in *Yalkuṭ Shim'oni* the number is missing. This point, therefore, need not be pressed. The other passage, however, is of greater weight. It occurs in Sifre,⁷ and is as follows: אמר רבי שמעון בן עזאי והרי ג' מאות וששים וחמש לא תעשה בתורה ואין בכל המצות כיוצא בזה לומר מה דם שאין בכל המצות קל ממנו הזהירך הכתוב עליו שאר כל המצות עאכ"ו. *R. Simon b. 'Azzai says: There are three hundred and sixty-five negative precepts in the Torah, and no such statement is made about any of them; this indicates that, if Scripture warned thee against blood which is the*

⁵ Yitro, Baḥodesh 5 (ed. Weiss, p. 74 a).

⁶ In a note to that passage.

⁷ Deut., § 76 (ed. Friedmann, p. 90 b).

lightest of all precepts, how much more art thou warned with regard to other precepts! Here we even have the exact number of the negative precepts. There is no possibility of interpolation, unless the whole passage is corrupt, or the name of the Tanna is to be replaced by that of an Amora. But as there is no independent reason for doubting the authenticity of this passage, it must be allowed to stand as it is.

A weighty objection to Bloch's view is also furnished by the very passage in which R. Simlai's statement is recorded. The explanation which that Amora offers is too flimsy to have suggested the number. Had he been at liberty to choose any number he pleased, he would have adopted one which would have made the thought of immutability more evident. For few people would associate the days of the year (not the course of the sun) and the members of the human body with the idea of immutability. Moreover, he might have at least chosen the lunar system rather than the solar. The impression one gains from that passage, therefore, is that R. Simlai offered a homiletic explanation for a well-known tradition. The novelty of his exposition does not lie in the number, but in the reason which he assigns to it.

There is accordingly nothing against the view of regarding this number as a tannaitic tradition. The scribes who counted every letter of the law⁸ could not have neglected to investigate the number of precepts. Bloch objects to this hypothesis, because by fixing the number of precepts the scribes would have been barred from finding a basis in the Pentateuch for their innovations; and a distinction would have been drawn between Mosaic and later ordinances.⁹

⁸ Kiddushin 30 a.

⁹ *RÉJ.*, I, p. 200.

This is, however, no weighty objection, as such a distinction would be noticed even if the precepts were not counted. The Rabbis in any case differentiated between Mosaic laws (דבר תורה) and Rabbinic institutions (דברי חכמים). Nowhere is there a tendency to consider the two as one category.

But beyond a mere statement, no indication is found in talmudic or midrashic literature as to the actual enumeration. Nor is there any reference to a method by which the number 613 is to be obtained. The earliest attempt known to us to give the individual precepts is that found at the beginning of the *Halakot Gedolot*. The authorship of this halakic work is variously attributed to R. Jehudai Gaon and to R. Simon Kayyara. Hardly anything is known of the life of either of these men, but it is certain that they flourished in the eighth century. Two different recensions have been transmitted, and there can be no doubt that the text, which is sometimes inconsistent, has been tampered with.¹⁰

A number of Halakists must have followed the method of the author of the *Halakot Gedolot* whom they recognized as the foremost authority. For Maimonides, who severely criticizes this method, remarks: ¹¹ לאן כל מן עני בעדה או בוצע : כתאב פי שי מן הדא אלנרץ קד תבעו בלהם צאחב הלכות גדולות ולא יחדפון ען אנראצה ¹² פי עדרהא אלא תחריפא יסירא כאן אלעקול וקפת ענר קול הדא אלרגל. *For all who occupied themselves with enumerating them (the precepts) or with composing a book on this subject followed the author of the Halakot Gedolot, and they only slightly deviated from his opinions, as if the*

¹⁰ See L. Ginzberg's thorough and ingenious discussion of this subject in his *Geonica*, vol. I, pp. 99-117.

¹¹ *Sefer ha-Mizwot*, ed. Bloch, pp. 4 ff.

¹² اغراض denotes here *opinions, views*. See Dozy, s. v.

intellects stopped still at the decision of this man. These works, however, are not preserved. Instead, we have a number of *Azharot* which enumerate the precepts in poetic form. The oldest extant is that which begins אתה הנחלת. The author of this composition is unknown, but it is surmised that he flourished in the eighth century, and was influenced by the Halakot Gedolot. Judging by the number of *Azharot* that have been transmitted, it seems that almost every liturgic poet took the precepts as his theme. Sa'adya Gaon, with his amazing versatility, composed two such poems. Some writers even tried their skill in employing the Arabic language to enumerate the precepts in metrical and rhyming lines. Fragments of two such attempts, obviously by different authors, are found at the Dropsie College. Although the *Azharot* seldom had any halakic value, they exercised some influence as liturgic compositions. They reached their culminating point in Ibn Gabirol whose *Azharot* are still recited in some congregations.

While practically all these writers followed the author of the Halakot Gedolot blindly, Hefes b. Yaşiah seems to have questioned the validity of that method. Here again we have the testimony of Maimonides who observes:¹³ צאחב כתאב אלשראיע אלמשהור ראיתה תנבֿה עלי גו יסיר מן והם צאחב אלהלכות ועטם ענדה אן יעדֿ בקור חולים וניחום אבלים כמא עדֿ צאחב אלהלכות. *The author of the famous Book of Precepts (or the famous author of the Book of Precepts) took notice of the errors of the author of the Halakot Gedolot, and considered it strange that visiting the sick and consoling the mourners should be counted, as did the author of the Halakot.* It is the merit of Rapoport to have been the first to suggest that

¹³ *Op. cit.*, p. 5.

by 'the author of the famous Book of Precepts' Ḥefes b. Yaşliaḥ is meant.¹⁴ This conjecture finds striking confirmation in Judah ibn Bal'ām's commentary on Deuteronomy. For in that passage it is explicitly stated that Ḥefes had objected to the method of a writer who had included the visiting of sick and the consoling of mourners among the precepts.¹⁵ Maimonides, who was in this respect anticipated by Ibn Bal'ām,¹⁶ found the method of Ḥefes inconsistent.¹⁷ He therefore laid down fourteen principles (אצול), in order to guard against all possible fallacies. Although Maimonides is not quite free from inconsistencies, as was shown by Naḥmanides in his *Refutations* or *Objections* (השנות), it must be granted that for logical enumeration he deserves the palm. Subsequent writers, like Moses of Coucy and Isaac of Corbeil, follow him with but few deviations.

It may thus be said that there are three main systems in enumerating the precepts: (1) that of the Halakot Gedolot; (2) that of Ḥefes b. Yaşliaḥ; and (3) that of Maimonides.

Against the literal interpretation of the idea that there are 613 precepts in the Pentateuch, protests were now and again heard. Judah ibn Bal'ām was, as far as is known, the first who sounded this protest.¹⁸ He blames all those who enumerated the precepts, and points out that there are two kinds of precepts: those that were enjoined for ever

¹⁴ See *Ḳebuṣat Ḥakamim*, p. 58.

¹⁵ וקר כאן [רב חפץ] אנכר עלי מן אדכל פי זמלה אלשראיע בקר וניחום אבלים (Commentary on Deut. 30. 2, ed. Fuchs).

¹⁶ *Loc. cit.*

¹⁷ *Loc. cit.*

¹⁸ Bloch, who wrote before Ibn Bal'ām's commentary on Deuteronomy was published, stated that Ibn Ezra was the first (*RÉJ.*, I, p. 210).

and those that were given only for one occasion. Now if the former alone are counted, they would not amount to the required number, while if we also include the latter, they would exceed that number.¹⁹ Ibn Ezra²⁰ deals at length with this question, and employs logical arguments against all systems. His criticism is chiefly levelled at the liturgic writers. He likens them to a man who counts the number of herbs that are mentioned in a book on medicine, without knowing their use.²¹

It is noteworthy that the objection came from writers who were not specialists in Halakah. For although Ibn Bal'ām cultivated the study of Halakah in his old age, he can hardly be regarded as a specialist in that branch. Moses ibn Ezra in his *Kitāb al-Muḥāḍarah wal-Mudākarah*, while speaking of the Jewish scholars in Spain, says of Ibn Bal'ām: אֶלְמַחְתֶּקָה פִּי אֶכֶר עֲמָרָה, *who studied Halakah during the latter part of his life*,²² but does not style him a Halakist. The only Halakist who was undecided on this matter is Nahmanides—that complex soul combining rationalism and mysticism—who expressed his doubts whether the Talmud meant this number to be taken seriously.²³ But even he, in spite of the difficulties he points out, is inclined to follow the majority. All other authorities have allowed this number to remain as a sort of dogma.

¹⁹ See passage *in extenso*, *loc. cit.*

²⁰ *Yesōd Mōrā*, chapter II.

²¹ והנה בעלי האזהרות דומים לאדם שסופר כמה מספר העשבים (towards the end of chapter II). הכתובים בספר רפואות והוא לא יכיר מה תועלת בכל אחר מהם

²² I take this quotation from Derenbourg, *Gloses d'Abou Zakariya Yahia ben Bilam sur Isaie*, p. 7.

²³ See his השנות to Maimonides's *Sefer ha-Miṣwot*, at the beginning.

II

ḤEFES̄ B. YAṢLIAḤ

It is the fate of a good many Jewish writers that little or nothing of their lives and activities is known. Jews have always allowed books to supersede their authors. Even in the Bible, where every letter was scanned, many of the writers are not known by name, and it is only when an author accidentally revealed his personality that we know anything about him. This is perhaps to be accounted for by the nation's conception of inspiration. For only canonical books were preserved, and in such books the author is merely the vehicle of the word of God. Wellhausen somewhere accuses the Jews of ingratitude, because they failed to perpetuate the memory of the Maccabaeen heroes, and excluded from the Canon the books that relate their triumphs. But this again is in harmony with the Jewish conception. The Maccabees were the tools of the Almighty, and as such they deserved no credit, since God merely chose them to carry out His will, just as in former years He had chosen Assyria to punish His people.

It is, therefore, not to be marvelled at that Ḥefes̄ b. YaṣliaḤ, whose books were for centuries lost sight of, is nothing more than a mere name. Early Jewish historical works, like Abraham ibn Daud's *Seder ha-Ḳabbalah* and Abraham Zakuta's *Yuḥasin*, pass him over in silence. The honour of having drawn the attention of scholars to the existence of this wonderful personality is due to Zunz. As early as 1832 he mentioned the name of Ḥefes̄ among the rational interpreters of the Bible in his *Gottesdienstliche*

Vorträge, p. 397. Ten years later he gave a brief sketch of this scholar in a note to Haarbrücker's *Specimen of Tanḥum Yerushalmi's Commentary on Judges*. For in his note on Judges 20. 28, Tanḥum quotes the Book of Precepts of Ḥefeṣ. Haarbrücker did not know the existence of such a writer, and he applied to Zunz for information.²⁴

When Rapoport wrote the biography of R. Ḥanan'el in 1830, he discussed in note 36 the authorship of the halakic work *Sefer Ḥefeṣ*, which was up till that time ascribed by most writers to that famous scholar of Ḳairuwān. Rapoport, however, found a number of difficulties, for some decisions quoted from the *Sefer Ḥefeṣ* are opposed to those that occur in the authenticated works of R. Ḥanan'el. Furthermore, in some passages both R. Ḥanan'el and the *Sefer Ḥefeṣ* are quoted, which makes it improbable to consider that scholar as its author. To overcome these difficulties, Rapoport made a sort of compromise: R. Ḥanan'el was the author of that book, but his disciples added some decisions and altered others.

In consequence of the suggestions thrown out by Zunz, scholars occasionally wrote about Ḥefeṣ. Fürst was, I believe, the first to connect Ḥefeṣ b. Yaṣliaḥ with the *Sefer Ḥefeṣ*. In his *Literaturblatt des Orients* he gave two brief notices of Ḥefeṣ.²⁵ Using the sources indicated by Zunz, he added two important observations, and one of them is the identification of the *Sefer Ḥefeṣ* with the Book of Precepts. The other observation related to the place of residence of that author. For Zunz assumed that Ḥefeṣ had lived in Ḳairuwān, whereas Fürst suggested Babylon as Ḥefeṣ's place of residence. Neither Zunz nor Fürst had any valid reasons for their assumptions which they expressed

²⁴ See pp. x, xi and 53, 54.

²⁵ Vol. X, pp. 110 and 247.

with hesitation; but, as we shall see later on, a recent discovery proved the latter to be right. Two years later Reifmann published a short note in the same periodical, and without referring to any writer, identified the *Sefer Ḥefeṣ* with the Book of Precepts.²⁶

About 1860 Rapoport wrote three articles on Ḥefeṣ b. YaşliaḤ which he sent to Stern. One of these articles, evidently the most complete, was published in *Kebuṣat Ḥakamim*.²⁷ There the view is expressed that Ḥefeṣ lived in Palestine, or rather in Jerusalem. No reference whatsoever is made to Zunz. The *Sefer Ḥefeṣ* is with great ingenuity and thoroughness ascribed to Ḥefeṣ. One of the other articles subsequently came into the hands of Halberstam who published it in Kobak's *Yeshurun*.²⁸ In that article Rapoport refutes the view of Zunz about Ḥefeṣ's place of residence, and adduces proofs that Palestine was the home of that Halakist. Other scholars who wrote a more or less complete biography of Ḥefeṣ are Steinschneider,²⁹ Ginzberg,³⁰ and Poznański.³¹

All that could be gathered with certainty at that time was that Ḥefeṣ was blind,³² and was styled by various writers Gaon,³³ Resh Kalla,³⁴ Alluf,³⁵ and Rosh Yeshibah.³⁶

²⁶ Vol. XII (1851), p. 617. Steinschneider, in a note in Benjacob's *אוצר הספרים*, p. 197, seems to doubt Fürst's priority. See Fürst's remark on Reifmann's note.

²⁷ pp. 52-60.

²⁸ Vol. VIII, pp. 57-65 (Hebrew part).

²⁹ *Arabische Literatur der Juden*, § 62. See bibliography cited there.

³⁰ *Jewish Encyclopedia*, s. v.

³¹ *אנשי קירואן*, pp. 24-8; *אוצר ישראל*, s. v.; *עניינים שונים*, p. 55.

³² Solomon Parḥon, in his *Maḥberet he-'Aruk*, s. v. *קצע* and *עמר*, refers to Ḥefeṣ as *ר'אש ישיבה*.

³³ R. Moses of Coucy, *Sefer Miṣwot Gadol*, positive precept 48, p. 127 b; R. Abraham ha-Yarḥi in *Ha-Manhig*, p. 67 a.

³⁴ R. Jonah ibn Janāḥ, *Luma'*, p. 15.

³⁵ Alfasi, *Responsa*, 109.

³⁶ Solomon Parḥon, *loc. cit.*

A great deal of ingenuity was spent in attempting to determine the country in which he resided. In the absence of positive facts, imagination was allowed to roam unbridled. To the various opinions mentioned above should be added that of Poznański who suggested that Ḥefeṣ might have been a native of Spain, since the earliest writers who quote him belong to that country.³⁷ Fortunately, however, among the Genizah fragments at the Jewish Theological Seminary of America there is a letter which settles this question. The writer of that letter remarks: **כי אותן העשרים וחובים שקניתי בהם כתב המצות למרב חפץ אלוף בן יצליה האשורי ממנו לקחתים**.³⁸ We thus know that Ḥefeṣ lived in Mosul, which Jewish writers called **אשור**. There certainly can be no reason for doubting the accuracy of this remark, as the writer of this letter seems to be well informed, and is very careful in placing the title Alluf immediately after **חפץ** in order to avoid the possibility of taking Yaṣṣiah to be the bearer of that title.

As to the time when Ḥefeṣ flourished, we are less fortunately situated, and some uncertainty still exists. It is usually assumed that he lived towards the end of the tenth century. But despite the consensus of opinion on this point, there is no basis for this conjecture, for it rests on assumptions which proved to be incorrect. No positive evidence was adduced for this view. Zunz hesitatingly suggests that Ḥefeṣ is identical with the Alluf to whom reference is made by R. Hai Gaon in a Responsum.³⁹ In that Responsum it is stated that R. Hai had some

³⁷ **אנשי קירואן**, p. 25.

³⁸ See *JQR.*, New Series, I, p. 439. Professor A. Marx, to whom I am indebted for this sentence, assures me that nothing more can be gathered from that letter in connexion with Ḥefeṣ.

³⁹ Haarbrücker's *Specimen of Tanḥum Yerushalmi*, p. 54.

correspondence with an Alluf in the year 997 or 998.⁴⁰ Relying on this identification Steinschneider states that Ḥefes corresponded with R. Hai.⁴¹ But there was not the slightest justification for that identification, and it is more likely that the Alluf referred to is Jacob b. Nissim.⁴²

Scholars also attempted to fix the *terminus a quo* by the circumstance that Ibn Janāḥ is the earliest writer who quotes Ḥefes.⁴³ This is indeed a 'broken reed', for there probably was no occasion to quote him. If such an argument should be regarded as valid, we could place many an early writer at a late period. To mention only one glaring example. Nīsī al-Nahrwānī—an older contemporary of Sa'adya—who must have been a prolific hymn-writer⁴⁴ and scholar of high attainments, is only known from Nathan ha-Babli's report. When we consider the fact that many a scholar of past generations would have been doomed to oblivion, had it not been for some casual mention, it is impossible to lay stress on such an argument. Moreover, few books dating from the ninth and tenth centuries have been preserved, and, on the whole, writers of that period were not accustomed to quote their predecessors to a great extent. The talmudic and midrashic literatures alone were binding to them, whereas post-talmudic scholars had not yet acquired indisputable authority.

From the references to Ḥefes nothing positive can be gleaned. He is grouped together with other writers in

⁴⁰ תמים דעים, 119.

⁴¹ *Arabische Literatur der Juden*, § 62. See also Ginzberg, *Geonica*, I, p. 178.

⁴² Comp. Poznański, אנשי קירואן, pp. 15, 25, 32.

⁴³ *Op. cit.*, p. 25.

⁴⁴ There are a number of hymns by Nīsī in the Genizah fragments at the Dropsie College. Some of the acrostics spell out נִיסִי בֶן בְּרַכְיָה.

various ways. Thus Ibn Janāḥ mentions some of the reliable interpreters of the Bible in the following order: Sa'adya, Sherira, Hai, Samuel b. Ḥofni, Ḥefes.⁴⁵ That no stress can be laid on this order as regards chronology is evident from the fact that Hai is mentioned before Samuel b. Ḥofni. Then on the other hand Isaac ibn Ḡayyāṭ places Ḥefes before Sa'adya.⁴⁶ Also in a Genizah fragment, which is now at the Jewish Theological Seminary of America, Ḥefes is casually mentioned before Sa'adya and Samuel b. Ḥofni. It is a remarkable fragment, written in fluent rhymed prose, and seems to be a description of a trial before a judge. The writer was probably a copyist or bookseller by profession. The passage referring to the Geonim runs as follows:⁴⁷ וַאֲרָאָה כִּי אֲ[יִן] לִי חֶפֶן בְּדַבְרֵי חֶפְ[יָן] וְלֹא מִ[ח]יָּה בְּדַבְרֵי רַבִּינוּ סַעְדִּיָּה וְאִין יָדִי לֹאֵל בַּסְּפָרִי גֵאוֹן שְׁמוּאֵל. וְאִין לִי מִמֶּשׁ כִּי אִם בְּמִכְרִת הַחוּמִּי[שׁ] וְלֹא מִצָּאִיתִי מִנּוּחַ עַד שְׁמִכְרִיתִי בְּרֹאשִׁית וְאֵלֶּה תּוֹלְדוֹת נֹחַ. That Ḥefes b. Yaśliah is here meant cannot be reasonably doubted. For there is only one other writer bearing that name whose identity has not yet been established. He was a philosopher and is quoted by Ibn Gabirol.⁴⁸ His full name was Ḥefes b. al-Birr al-Futi or al-Ḳuti, and it was suggested that al-Birr is an Arabic translation of the Hebrew יְעִלִיָּה or *vice versa*.⁴⁹ However this may be, the writer of the fragment obviously speaks of Halakists, and it is interesting to note that Ḥefes is classed among the most prolific writers of that period. At all events, owing to the conflicting arrangements, this point

⁴⁵ *Luma'*, p. 15.

⁴⁶ *Ša'arē Simḥah*, ed. Fürth, p. 63.

⁴⁷ I am under obligation to Professor Israel Davidson, who intends to publish the entire fragment, for drawing my attention to this passage, and for copying it for me.

⁴⁸ See Steinschneider, *Hebräische Übersetzungen*, p.

⁴⁹ See Poznanski, *אנשי קירואן*, p. 25.

must be abandoned as a basis for determining the time when Ḥefes flourished.

Hitherto we have only examined the external evidence. Unfortunately there hardly exists any internal evidence, as no post-talmudic writers are cited in the Book of Precepts. Discussions of a polemical nature, with the exception of one passage which will be explained later on,⁵⁰ are entirely absent. Yet there is one point which deserves a full discussion. Ḥefes gives in every precept a *résumé* in Arabic of the pentateuchal law, and then quotes the verses in Hebrew. The Arabic words he employs are, with rare exceptions, identical with those of Sa'adya's translation. Even the constructions resemble those of Sa'adya, and the deviations are such as one may expect to occur in a *résumé* as distinct from a literal translation. In order to illustrate this point I shall place in parallel columns Sa'adya's translation and the *résumé* given by Ḥefes of the first four precepts that are preserved.

SA'ADYA	ḤEFES
ואן כרנת נאר פונדט שוכא ואחרקת כדיסא או סנבלא קאימא או סאיר מא פי אלציאע פליגרם מא ינב פיה. (Exod. 22. 5.)	תונב עלי מן אצרים נאר וברנת מן מכאן צרימהא פצאדפת שוכא ואחרקת כדסא או סנבלא קאימא פי מנבתה או גירה ממא פי אלציאע אן יודי קימה דלך. (Text, fol. 1 a.)
ואן נטח תור רזלא או מראה פקחלה פלירגם אלתור ולא יוכל מן לחמה ורב אלתור ברי. (<i>ibid.</i> , 21. 28.)	תונב ארא כאן תור גיר מערוק באלנטאח פנטח אנסאנא פמאח אלאנסאן דלדך אן ירגם אלתור ולא יוכל מן לחמה וצאחבה פברי. (fol. 3 a.)

⁵⁰ Chapter III. See note 157.

ואן כאן תורא נטאח מן אמס
ומא קבלה פנושר צאחבה ולם יחפטה
וקתל רגלא או מראה פלירגם אלתור
ואיצא צאחבה יקתל ואן אלום דיה
פליעט פרא נפסה גמיע מא ילומה.
(*ibid.*, 21. 29. 30.)

פאן אכטא נמע מן נמיע אסראיל
ונאב אמר מן עיון אלנוק פיעמל
ואחדה מן פראיץ אללה אלתי לא
תעמל פאחמו: תם ערפת אלכמיה
אלתי אכמאוהא פליקרב אלנוק רתא
מן אלבקר ללדכוה ויאת בה בין ידי
אללה וידבח אלת בין ידי כבא
אלמחצר: ויסנר שיוך אלנמע איריהם
עלי ראס אלת בין ידי אללה:
וידכל אלמאם אלממסוח מן דמה
אלי כבא אלמחצר: ויגמס אצבעה
פיה וינצח מנה סבע מראת בין ידי
אללה קבאלה אלסנף: ומנה יצב עלי
ארכאן אלמדבח בין ידי אללה אלדי
פי כבא אלמחצר ובאקיה יצב ענד
אסאם מדבח אלצעידה אלדי פי באב
כבא אלמחצר: ונמע שחמה ירפעה
מנה ויקתר עלי אלמדבח: ויעמל
בה כמא עמל בתור דכוה אלמאם
כדאך יעמל בה ויסתנפר ענהם וינפר
להם: ויכרג אלתור כארג אלעסכר
פיחרקה כמא אחרק אלתור אלאל
הו דכוה אלנוק:

(Lev. 4. 13-21.)

תונב עלי מן לה תורא נטאח מן
אמס ומא קבל ונושר ליחפטה פלם
יחפטה פקתל אנסאנא אן ירגם אלתור
ויסתחק הו מותא אכטראמיה פאן
אלום דיה אלמנטוח פליעטא מא
תבת עליה אלתראצי.

(fol. 3 b.)

תונב מתי אכטת נמאעה ישראל
בסוהו וגבי אמר ען עיון אלנוק פעמל
ואחדה מן אלנואהי פאחמו ועמל
בהא אן יקרב אלנוק אלי כבא
אלמחצר תורא ללדכוה ותסנר שיוך
אלגמאעה איריהם עלי ראסה תם
ידבח וינצח אלמאם אלממסוח מן
דמה קבאלה אלסנף: מראר ויצע
מנה עלי ארכאן מדבח אלככור ויצב
אלבאקי ענד אסאם מדבח אלצעידה
ואן יקתר עלי אלמדבח שחמה
וכלאה חיאדה כבדה ויסתנפר ענהם
וינפר להם ויכרג גמיע אלתור כארג
אלעסכר אלי מוצע טאהר אלי מטרח
אלרמאד פיחרק הנאך.

(fol. 5 b.)

It will be observed that the differences in the passages from Exodus are more numerous than in the one from Leviticus. This is to be accounted for by the fact that the former are less technical. Moreover, some differences are only apparent. Thus Sa'adya renders בעל indifferently by רב and צאחב. In the passage quoted above Ḥefeṣ has only the latter; but on the same page he also employs the former. There is no need to quote any further passages, but it may be stated that the Leviticus passage represents the relation between the two renderings more correctly. Now the differences in the Leviticus passage are so insignificant that they may be expected to occur almost in two different manuscripts of one and the same book. The two manuscripts of Sa'adya's translation of and commentary on Job, for instance, differ from each other to a very great extent.⁵¹ The same is the case with Baḥya b. Paḳūda's *al-Hidāya ilā Farā'id al-Kulūb*.⁵² In some places the Book of Precepts may help us to correct Sa'adya's text. Thus נאב (Lev. 4. 13) is hardly an accurate rendering of נעלם, and it seems quite probable that it is a scribal error for נבי, as Ḥefeṣ has it. The rendering of פר by רת is very interesting. Although Ḥefeṣ in the above passage has חור, in other places he agrees with Sa'adya in using רת.⁵³ Now the ordinary word in Arabic for *steer* is ثور, or مغير, whereas رث is an extremely rare word, and in Mohammedan works its usual signification is *hog*. There can be no doubt that in the dialect spoken by Sa'adya and Ḥefeṣ رث meant nothing more than *bullock* or *steer*. For it is inconceivable

⁵¹ See Bacher's introduction to his edition, p. ix.

⁵² See Yahuda's edition, *Introduction*, pp. 7 ff.

⁵³ See text, fol. 10 b, l. 12.

that they employed such an ambiguous word which denotes *hog* in a passage dealing with sacrifices.

The resemblance of these two versions will appear still more striking when we compare them with the independent translation of the Bible printed in Beyrout. The Leviticus passage alone will suffice for our purpose. It is as follows:

وان سها كل جماعة اسرائيل فاخفى امر عن اعين المجمع وعملوا واحدة من جميع مناهى الرب التى لا ينبغى عملها واثموا . ثم عرفت الخطية التى اخطاوا بها يقرب المجمع ثورا ابن بقر ذبيحة خطية ياتون به الى قدام خيمة الاجتماع . ويضع شيوخ الجماعة ايديهم على راس الثور امام الرب ويذبح الثور امام الرب . ويدخل الكاهن المسوح من دم الثور الى خيمة الاجتماع . ويغمس الكاهن اصبعه فى الدم وينضح سبع مرات امام الرب لدى الحجاب . ويجعل من الدم على قرون المذبح الذى امام الرب فى خيمة الاجتماع وسائر الدم يصبه الى اسفل مذبح المحرقة الذى لدى باب خيمة الاجتماع . وجميع شحمه ينزعه عنه ويوقد على المذبح . ويفعل بالثور كما فعل بثور الخطية كذلك يفعل به ويكفر الكاهن فيصفيح عنهم . ثم يخرج الثور الى خارج المحلة ويحرق كما احرق الثور الاول انه ذبيحة خطية المجمع ♦

In this version almost every technical expression is rendered differently from the other two, and this would lead one to assume an interdependence of the latter. As Sa'adya is by far the better known of the two as a translator and commentator of the Bible, it seems at first sight reasonable to conclude that Ḥefeṣ borrowed from him. This, accordingly, would fix the *terminus a quo*, and would indeed place Ḥefeṣ in the second half of the tenth century, for we must allow some time for Sa'adya's translation to become universally spread.

On reflection, however, this can hardly be considered conclusive evidence. To begin with, the fact that Sa'adya is the most renowned and admired Jewish writer of the

tenth century does not preclude the possibility of an earlier, though less satisfactory, attempt at translating the Bible, at least the Pentateuch, into Arabic. Ḥefes displays a thorough mastery of Hebrew, Arabic, and Aramaic. He shows great skill and a sense of appropriateness in choosing Arabic equivalents for the most obscure talmudic terms. Even in cases where his explanations lack philological soundness, the Arabic words he uses admirably convey the meaning he intended. And in this branch he has no predecessors known to us. Is it at all likely that a man of the calibre of Ḥefes would need to borrow from the translation of another writer without due acknowledgment? It, therefore, seems natural to reject the theory that the translation of Ḥefes is influenced by that of Sa'adya. The striking resemblance of the two translations may be accounted for in a simpler manner. Although we have no data for determining exactly the time when Jews in Babylon adopted Arabic as their vernacular,⁵⁴ there can be no doubt that this event took place centuries before Sa'adya. The Jews, accordingly, while studying the Bible, especially the Pentateuch, must have translated it into that language. Some sort of terminology must have gradually developed, and remained fixed to a considerable extent, especially in the case of technical terms. This terminology inevitably had some Hebrew colouring, otherwise such words as *معيدة* for *burnt-offering*, which is a literal translation of *עולה*,⁵⁵ and *سلامة* for *peace-offering*, Hebrew *שלמים*, could not have arisen. Accordingly, if Sa'adya really was the first translator of the Pentateuch, he merely committed to writing that which had been known orally, and it is only

⁵⁴ Comp. Steinschneider, *Arabische Literatur der Juden*, p. xvii.

⁵⁵ See Freytag's *Lexicon*, s. v. *معید*.

for the literary touches that he deserves credit, not for the actual translation. Subsequent writers, who had Sa'adya's translation before them, were no longer aware of the oral terminology that had previously existed, and unduly praised him for his work. For it must be borne in mind that a translation of the Bible made by Jews in their vernacular differs radically from that made by non-Jews. The former are enjoined to 'meditate therein day and night', and as soon as they adopt a new mother-tongue, are bound to find equivalents for Hebrew words. Thus the adoption of the new mother-tongue practically coincides with the translation which may be regarded as raw material for subsequent literary attempts. The first non-Jew, however, who wished to translate the Bible, had to begin with a clean slate, and was obliged to coin new terms.

These considerations, to my mind, completely destroy the evidence to be adduced from the expressions Ḥefes employs in translating pentateuchal verses.

In this connexion it is convenient to discuss two passages in which Ḥefes is supposed to quote Sa'adya explicitly, and which would thus conclusively prove that Ḥefes flourished after that famous Gaon. In *ẒQR.*, VI, p. 705, Neubauer published an Arabic fragment which he hesitatingly suggested to be part of the Book of Precepts by Ḥefes b. Yaşliāḥ. That fragment begins with a slightly abridged quotation from *Menahot*, *Mishnah*, 3, 6. 7.⁵⁶ Then comes the following passage: וְקַדְשָׁם רָאָם אֱלֹמִיּוֹת : אלפיומי נצר אללה ונהה פי רשות לה לאזהרות כה קסם נחן נדכרהא באכתצאר בלנה אלערב ואן כאן הו אנמא דכרהא בלשון הקדש בחית למ יחין גמיע אלמצות ואנמא דכר בעצהא וקד מצוי לנא כתיר מנהא. This is followed by an enumeration of twenty sections. After

⁵⁶ This was not noticed by Neubauer.

the mention of the twenty-first section there is a gap, and the subject is interrupted. The passage that follows deals with an important principle for enumerating precepts. The gap must have been considerable, for we have to allow room for at least four or five sections.⁵⁷

Another fragment which enumerated the first eight sections of Sa'adya's *Reshut* was published by Prof. Schechter.⁵⁸ That fragment is headed הרב תפסיר אלרשות אלרי עמלה ראם אלמחיבה מרב סעדיה אלפיומי זל קסם פיה אלמצות כר⁵⁹ קסם עני בתפסירה מרב שמואל גאון בן חפני זלל. The remaining lines are, with the exception of a few insignificant variants, identical with those of Neubauer's fragment, and hence Prof. Alexander Marx was led to consider Samuel b. Hofni the author of the latter.⁶⁰ There is, however, no ground for this identification. That the two fragments do not belong to one and the same book is self-evident. In *Saadyana* we have the beginning of Samuel b. Hofni's commentary, whereas in Neubauer's fragment we have a direct quotation from Sa'adya's *Reshut* before it was translated into Arabic. Since the headings alone are quoted, there is no room for divergency in style, and there is nothing to connect the two writers. One feels inclined to agree with Neubauer that 'it is certainly not by Samuel ben Hofni'.⁶¹

On the other hand, I am now in a position to demonstrate

⁵⁷ There are a few misprints in that passage, and Neubauer, *JQR.*, VII, p. 172, corrected them in the name of Bacher, who had seen the manuscript. One important word, however, was left uncorrected. אמל, p. 707, l. 14, ought obviously to be אמלק or אחל.

⁵⁸ *JQR.*, XIV, p. 211; *Saadyana*, p. 53.

⁵⁹ It seems to me that כה is the more correct reading, as a slightly obliterated ה might easily be mistaken for ג.

⁶⁰ Ginzberg's *Geonica*, I, p. 179, note.

⁶¹ *JQR.*, VII, p. 172.

with certainty that Ḥefeṣ was not the author of that fragment, and the evidence is furnished by the preserved portion of his Book of Precepts. There is, to begin with, a difference in style. Ḥefeṣ consistently uses Arabic equivalents for Hebrew technical terms. Thus, he always says נואה, ואמר, שראיע, שריעה, while Neubauer's fragment has מצוה, מצות, עשה, לא תעשה. Matters of style are always subject to doubt, and those who are loath to rely on them will find convincing proof for my contention in the following consideration. The author of Neubauer's fragment refutes the system of a certain . . . Bar Furḳān.⁶² In order to make this point clear I shall quote and explain the words attributed to that Bar Furḳān, especially as they are of importance for the various systems of enumerating precepts. . . . בר פרקאן נע קולה חשוב עשה ולא תעשה בהתחברם כמו בפרסת האחד יורם נכחם במותר בהתקשרם ההתר פנה והאסור רם והדא הו אלדי קאל ענה פי כתאבה פי אלשראיע קאל ולו כאן אטל⁶³ אבל אלחיואן אלמגתר הו אלנהי עמא לא יגתר וליס במפרק חסבא Bar Furḳān—may his soul be in paradise⁶⁴ . . . שרעא ואחרא —says: Count positive and negative precepts when they are combined (as in the case of the hoofs of animals) as one; one of them is sufficient to indicate them both; the opposite is superfluous, since they are joined. Turn to the permitted thing, and cast away the forbidden. And this is [the principle] concerning which he said in his book of precepts. He said: If it is permitted to eat an animal which chews its cud, this in itself is a prohibition against the eating of an animal which does not chew its cud and is not cloven-footed; —it is to be counted as one precept.

⁶² The name is obliterated, and Neubauer supplied יהושע, while Bacher read it as צדקיה.

⁶³ Read אטל or חל; see above, note 57.

⁶⁴ JQR., VI, p. 707.

The Hebrew quotation is no doubt part of *Azharot* or *Reshut*. We have four lines rhyming with רם. The style is paitānic, and I think that the last word רם stands for רָמִיָּה, just as לַל is the apocopated form of לָלֶה. The Arabic is slightly clumsy, but my interpretation is the only one possible, for it would not do to take שרעא ואחרא as the complement of כִּאֵן, since there would then be no apodosis. Moreover, the finite verb after כִּאֵן (for there is no ground to read אִתְלֵאֵן) precludes such an alternative. Accordingly Bar Furkān lays it down as a principle that opposites are only to be counted as one precept. The writer of that fragment refutes this principle from a logical standpoint. Maimonides, too, agrees with the latter, for he consistently counts such cases as two precepts.⁶⁵ The permission to eat clean animals is positive precept 149,⁶⁶ and the prohibition against unclean animals is negative precept 172.⁶⁷ Now Ḥefes b. Yaşliaḥ, as will be explained later on at the end of Chapter IV, is not at all aware of this subtle distinction. He usually reckons such cases as one precept, but sometimes as two. Thus, that a Nazarite must grow his hair is given as a positive precept, but the fact that he must not cut his hair is not given separately. On the other hand, he counts separately the commandment to bring all sacrifices to the special place (Deut. 12. 6) and the prohibition against eating any sacrifice outside that place (*ibid.*, 12. 17). The reason why he counts them separately is because they occur in different passages of the Pentateuch.

The other passage in which Ḥefes apparently quotes Sa'adya is the glossary to פִּיטוּם הַקְטוֹרֶת published by Horowitz.⁶⁸ The passage is headed תַּפְסִיר אֱלֵאֲלֵפָאֵם מִפִּיטוּם

⁶⁵ *Sefer ha-Miswot*, principle 6, ed. Bloch, p. 20.

⁶⁶ *Op. cit.*, p. 127.

⁶⁷ *Op. cit.*, p. 250.

⁶⁸ *בית נבות ההלכות*, II, pp. 63 ff.

זל הקטורת לרב חפץ זל, and is without any doubt excerpted from the Book of Precepts, as will be pointed out at the end of this chapter. The note on חלבנה runs as follows: חלבנה חלב. אלמיעה ורב סעדיה יקול פיה מחלב. It is, however, easy to prove that the explanation attributed to Sa'adya does not form part of Hefes's glossary. For it is impossible that Hefes should quote an opinion different from his own without refuting or accepting it. Moreover, if he wanted to give explanations by Sa'adya differing from his own, he had occasion to do so in the next word. Hefes translates קציעה by ענבר, while Sa'adya, according to Solomon Parḥon,⁶⁹ renders it by קסט. Then in this very passage Hefes quotes a talmudic statement on צרי which is against his own explanation. This statement is placed at the end of the passage, after all the difficult words have been explained. It is thus evident that Hefes did not interrupt himself in the middle, otherwise he would have placed the talmudic statement immediately after his translation of צרי, especially as this word occurs before חלבנה. It is also to be observed that Sa'adya does not translate חלבנה by מחלב. The text of his translation of Exod. 30. 34 has לבנא, while Derenbourg gives a variant מיעה. We thus see that this note in the glossary to פיתום הקטורת is spurious. The copyist did not have the Book of Precepts before him, but excerpted the passage from Ibn Bal'ām's *Kitāb al-Tarjīḥ*.⁷⁰ To any one who studies Ibn Bal'ām's works it is inconceivable that he should have incorporated the entire passage from Hefes

⁶⁹ *Maḥberet he-'Aruḥ*, s. v. קצע.

⁷⁰ At the end of the passage it is said: ושרח הוה אלפאט מאכוד מן: כתאב אלטרניח תאליף לר יהודה בן בלעם רצי אללה ענה. The editor misread the text. These corrections are by Steinschneider, *Monatschrift*, 1885, p. 288.

verbatim without commenting on it. He usually quotes various opinions side by side. What really happened was this: Ibn Bal'ām gave various opinions among which those of Ḥefeṣ were prominent, and the copyist subsequently collected all of Ḥefeṣ's explanations under the heading תפסיר . . . לרב הפין. He was, however, unable, in some cases, to differentiate between the words of Ḥefeṣ and the comments of Ibn Bal'ām. It is also possible that that spurious explanation of Sa'adya was added by the 'redactor' himself, who obviously was not well informed.

The result of all these discussions appears convincing enough to enable us to state that for determining the time when Ḥefeṣ flourished we only have a *terminus ad quem*—he was dead in the first half of the eleventh century, since Ibn Janāḥ, when quoting him, adds the formula רחמה אלה—but the *terminus a quo* must be left open, until further evidence is brought to light. Vague and unfounded assumptions are of no avail.

Out of the four titles, Resh Kalla, Alluf, Rosh Yeshibah, and Gaon, that are bestowed upon Ḥefeṣ by writers who refer to him, the first is the one that was actually borne by him. This conjecture of Rapoport's⁷¹ is strikingly confirmed by our fragment in which he styles himself twice as ראם אלכל.⁷² That Ḥefeṣ was no Gaon in the technical sense needs no demonstration. In Sherira's *Epistle*, where a practically complete list of the Geonim of Pumbedita and Sura is given, no mention of this scholar is made. Writers subsequent to the gaonic period gave this term a wider denotation, and applied it almost to any great Talmudist. Thus Nissim b. Jacob of Ḳairuwān is also dignified with

⁷¹ Kobak's *Yeshurun*, VIII, p. 58.

⁷² See text, fols. 8 b, 25 a.

that title. Indeed Sherira himself does not always keep to the technical sense, and some of the Amoraim are styled by him as Geonim.⁷³

Nothing definite, however, is known of the functions of the Resh Kalla. It is usually considered synonymous with the title Alluf,⁷⁴ which is also obscure. The prevalent view among Jewish scholars is that he was third in rank to the Gaon. This is based upon the report of Nathan ha-Babli,⁷⁵ and there can be no doubt that within the constitution of the Babylonian Academies this was actually the case. But there is sufficient evidence for the assumption that the term Resh Kalla was used in two different senses. Here again Rapoport's ingenious conjectures help to clear up many difficulties.⁷⁶ He drew attention to the prayer יקום פורקן in which the Rēshē Kalla are mentioned before the exilarchs and the heads of the academies. For it is hard to get reconciled to the idea that the titles are enumerated at random. He accordingly concludes that this prayer was composed in Palestine where the Resh Kalla was the highest dignitary. The words לרישי כלה refer to the preceding words די בארעא דישראל, while לרישי גלותא ולרישי ודי בבבל refer to מתיבתא ולריני די בבא. Ginzberg, too, in his *Geonica*⁷⁷ has pointed out that 'besides the seven ראשי כלות, the title of the seven most prominent members of the Academy, there must have been also *the* ריש כלה who took an active part in the instruction given at the Academy'. The same scholar gave plausible reasons for his hypothesis

⁷³ See Neubauer, *Mediaeval Jewish Chronicles*, I, pp. 31, 32.

⁷⁴ Rapoport, *loc. cit.*, is undecided on this matter, but Poznański is of the opinion that the terms are identical. See ענינים שונים, p. 48. The proofs he advances are, however, not convincing.

⁷⁵ See Neubauer, *op. cit.*, II, pp. 78 ff.

⁷⁶ See *op. cit.*, pp. 63, 64.

⁷⁷ I, p. 8, note 1.

that originally the head of the Academy at Pumbedita was styled Resh Kalla, not Gaon.⁷⁸

Then there is a talmudic passage which tends to prove that the Resh Kalla was higher in rank than the Rosh Yeshibah during the amoraic period. It is stated in Berakot 57a that if one enters a shrubbery in his dream it is a sign that he will become a Rosh Yeshibah, while if he enters a forest he will become 'head of the sons of the Kalla'. Now as a forest is larger than a shrubbery, one is inclined to think that a Resh Kalla was more important than a Rosh Yeshibah.⁷⁹

At all events it seems safe to assume that some Rēshē Kalla were heads of independent academies, and owed no allegiance to the Gaon. This accounts for the fact that some scholars outside the gaonic academies bore the title Resh Kalla. There would then be no need to assume, in some cases at least, that this title was conferred by the Gaon upon foreign scholars as a mark of respect. That Hefesh belonged to this class of Rēshē Kalla seems to be clear from the fact that he is styled Rosh Yeshibah by Solomon Parhon.⁸⁰ Moreover, the Resh Kalla in the gaonic academy would hardly have ventured to write a comprehensive work on Halakah. We know that they were not even allowed to answer Responsa.⁸¹

⁷⁸ *Op. cit.*, pp. 46-50.

⁷⁹ Rashi, who evidently knew that the Resh Kalla was inferior in rank to the Rosh Yeshibah, explains the passage in the following manner: a shrubbery which consists of big and small trees, and is dense, is a sign for a Rosh Yeshibah, for young and old gather together to listen to his lectures; while a forest which consists of big trees not close to one another is a sign for the head of the pupils, that is to say, the Resh Kalla who explains to the pupils the subject expounded by the teacher. This comparison is, however, too forced.

⁸⁰ See above, note 32.

⁸¹ See Ginzberg, *Geonica*, I, p. 8.

It should be noted that the meaning כִּלָּא has not been satisfactorily explained. It is usual to vocalize it כִּלְאָא, and in deference to custom I transliterate it accordingly. But it seems doubtful whether it yields a suitable meaning. To take it to denote *crown* seems unlikely for various reasons. To begin with, a *crown* in Aramaic is usually כִּלְיָא, not כִּלָּא. Then even if we connect it with the *crown of the law*, the sense is still obscure. Rapoport takes it to signify a *lecture*,⁸² but does not explain the etymology. The most plausible suggestion appears to me to vocalize it כִּלְאָא, and assign to it the signification of *assembly, gathering*. A striking parallel is found in Arabic كلية and جامعة, both of which denote *academy, university*.

As a writer Ḥefeṣ is only known by his Book of Precepts. All quotations hitherto found can be traced to that book which was a storehouse of Halakah, philology, and philosophy as it was understood in those days. First and foremost he was a Halakist, and it is chiefly in this branch of Jewish learning that his interests were centred. Philology and philosophy claimed his attention only so far as they had any bearing upon Halakah. His book was the standard work on Halakah in Baḥya b. Paḳūda's days. For in enumerating the various authoritative books in all branches, Baḥya names the Book of Precepts by Ḥefeṣ b. Yaṣṣīaḥ which gave a brief account of all laws as compared with the Halakot Gedolot which contained only those that are obligatory at this time.⁸³ It is always quoted with the

⁸² *Jeshurun*, VIII, p. 63.

⁸³ و الضرب الثاني مختصر عین الشرائع أمّا کلها مثل کتاب ٦ حפץ
בן יצליח ואמא ما يلزمنا منها في هذا الزمان مثل הלכות פסוקות והלכות
גדולות (*Duties of the Heart*, ed. Yahuda, p. 7. It is also quoted by Kaufmann,
Die Theologie des Bahja ibn Pakuda, p. 5).

highest respect, and the author's decisions are usually accepted. There can be no doubt that had the author written this book in Hebrew, the references to it would have been more numerous. As it is, the author was lost sight of with the disappearance of the knowledge of Halakah in Arabic-speaking countries. The few references to R. Ḥefes that occur in books by writers who did not know Arabic are borrowed from other sources.⁸⁴

Not being satisfied with a mere enumeration of the precepts, as was done by the author of the *Halakot Gedolot*, and, centuries later, by Maimonides, he gives a lengthy discussion of each detail. In the ethical precepts he had occasion to expound his philosophical speculations which show him to be a clear thinker, well versed in the philosophical doctrines of his times. Whenever he quoted an obscure passage from the Bible or rabbinic literature he appended to it a commentary which is remarkable for its precision. There is sufficient testimony that he was distinguished in all these branches. As a rational commentator of the Bible he is quoted by grammarians, lexicographers, and commentators like Ibn Janāḥ, Ibn Bal'ām, Solomon Parḥon, and Tanḥum Yerushalmi. Here, too, as in the case of Halakah, his opinions command the greatest respect, and are usually adopted.⁸⁵ Even the ill-tempered Ibn Bal'ām who had no regard for authorities⁸⁶ is glad to find in Ḥefes

⁸⁴ Thus *Pišḳē Recanate*, 38 b, is a direct quotation from Alfasi's *Responsa*, 109.

⁸⁵ Solomon Parḥon in his *Maḥberet he-'Aruk*, s. v. פָּצַע, adopts the interpretation of Ḥefes against Sa'adya's.

⁸⁶ See Moses ibn Ezra, *al-Muḥāḍarah wal-Mudākarah*, quoted by Derenbourg, *Gloses d'Abou Zakariya Yahia ben Bilam sur Isaie*, p. 7, and Fuchs, *Studien*, p. 23. לֹא יָסַלְם אַחֵר מִן זֶרְכָּה, *Nobody escaped his attacks* (lit. *his net*).

support for his view.⁸⁷ Naturally Ḥefes did not entirely escape the severe criticism of Ibn Bal'ām who in his commentary on Deut. 30. 2 blames him for having counted that verse as a precept and for interpreting R. Simlai's statement literally. And if writers on the Bible are greatly indebted to Ḥefes, there can be no doubt that he laid under still greater obligation early lexicographers and interpreters of the Mishnah and Gemara. His influence upon Maimonides is evident from the remarks of the latter in *Pe'er ha-Dor*, 140, 142, that his errors in certain matters are due to his having followed R. Ḥefes.

Some of the philosophic doctrines of Ḥefes have fortunately been preserved for us by Judah b. Barzillai, a writer of the twelfth century. In his commentary on the *Book of Creation*, whose value lies more in the lengthy quotations from books no longer extant than in the author's own views, he gives at length the first two precepts of Ḥefes's Book. This passage is an important contribution to mediaeval Jewish philosophy. In order to appraise Ḥefes as a philosopher it may not be out of place to reprint the entire passage here, and translate it into English. This is also rendered necessary by the fact that the printed edition is not free from errors. Halberstam who edited the text did not see the manuscript. According to the evidence of the transcriber, the unique copy upon which the edition is based teems with errors.⁸⁸ Add to these disadvantages

קד ראת לרב חפץ פי כתאב אלשראיע מא יאיד קולי אן קצה⁸⁷
פילגש וקעת קריבא מן זמאן אלפתח קאל לאן פיהא הותרו שבטים לבוא
זה בזה. *I saw in the Book of Precepts by R. Ḥefes something which strengthens
my assertion that the narrative of the concubine took place closely upon the
time of the conquest. He said: because at that time the tribes were allowed to
intermarry* (Ibn Bal'ām's Commentary on Judges 20. 28, ed. Poznański).

⁸⁸ See Halberstam's preface, p. ix, note.

the circumstance that Judah b. Barzillai did not see the Book of Precepts, but quoted the passage second hand, and the corruptions will be accounted for. Owing to these cogent reasons, I hope to be pardoned for this digression.⁸⁹

המצוה הראשונה מצוה אותנו ליחד דעתנו ומחשבותינו באמתו של דבר להמציא בוראנו בלבבנו שהוא אדון הכל באין הרהור ספק ובלי שום מחשבה אחרת לדעת שהוא אמת בדכתיב⁹⁰ וידעת היום והשבותה אל לבבך וגו'. פי' וידעת היום כלומר בעוד שאתה בחיים כי לאחר מיתתו של אדם לא יועיל לו ידיעתו ולא יכול לשלם שננתו אשר שגג בחייו. ופיר' והשבות אל לבבך שתשיב אל דעתך ולראיית לבבך הדבר בדכתיב⁹¹ ואתנה אל לבי לדרוש ולתור בחכמה. וראייה שהשבת הלב יבחין בעליו לתוך הדבר כי כן אמר הנביא במי שלא ישיב אל לבו להבחין העקר מן הטפל⁹² לא ישיב אל לבו לא דעת ולא תבונה לאמר חציו שרפתי במו אש. ופי' כי ה' הוא האלהים הוא הנמצא באמת כי לשון הוא מורה על דבר המצוי. ופי' אלהים הוא לשון יסוד כי הוא יסוד והוא הכל בדכתיב⁹³ בראשית ברא אלהים. ולא נקרא בשם ה' אלא אחרי שנברא אדם והעולם. ולשון ה' מפורש שהוא רב ואדון לכל. הלא תראה כי לשון ה' מפורש שהוא אדון על כל המעשים ולא יתקיים שום אדון אלא עד שיתקיים המעשה שהוא אדון לו וגם המעשה לא יתקיים עד שיחיה לו אדון. אבל לשון אלהים שם מיוסד בלי שום קדימא ואיחור ומעשה. אמרו הראשונים⁹⁴ הזכיר שם מלא על עולם מלא על מה דכתיב⁹⁵ ביום עשות ה' אלהים

⁸⁹ *Commentary on the Sefer Yesirah*, ed. Halberstam, pp. 55, 56. The quotation is introduced by the following remark: וכתב אחר מן המתחברים: שהעתיק מדברי חפץ אלוף ז"ל לאלו שתי המצות בתחלת חיבורו ואלו תורף דבריו וידעת היום והשבות אל לבבך וגו' שמע ישראל ה' אלהינו ה' אחד.

⁹⁰ Deut. 4. 39.

⁹¹ Eccles. 1. 13. The reading there is ונתתי את. Comp., however, 1. 17.

⁹² Isa. 44. 19.

⁹³ Gen. 1. 1.

⁹⁴ Bereshit Rabba 13. 3. The reading there is מזכיר. See Theodor's edition, p. 115.

⁹⁵ Gen. 2. 4. From Hefes's statement it seems that the midrashic remark

ארץ ושמים. ופי' בשמים יורה על כל מה שבשמים כוכבים ומלאכים כי כולם יעבדוהו ויאמינו באמת בכל כחם ובכל תבונתם כדכתיב⁹⁶ ויודו שמים פלאך ה' אף אמונתך בקהל קדושים כי מי⁹⁷ בשחק יערוך לה' ידמה לה בבני אלים וכל המזמור. ועל הארץ מתחת יורה על מה שבארץ בעלי לשון וכל מי שיש בו רוח חיים שבכל דבר ניכר כי הוא אל אמת וכל בעלי לשון יודו בכך ויאמינו בדבר ואע"פ שנתחלפו⁹⁸ שמותיו ודבריו אצלם דכתי'⁹⁹ כי ממזרה שמש עד מבואו גדול שמי בנוים. [ומה]¹⁰⁰ שנאמר אין¹⁰¹ עוד יורה שהוא יחיד באמת כמו שאפרש בזה השער. ואמרו רבותינו ז"ל שצריך אדם להתלמד ראיות שיעלה על לב איש כי הוא יחיד ואין עוד דתנן¹⁰² הוי שקוד ללמוד תורה ודע מה שתשיב

was made upon this verse. In the Midrash, however, it is on verse 5. It is naturally more appropriate on the former, where אלהים is mentioned for the first time.

⁹⁶ Ps. 89. 6, 7.

⁹⁷ The manuscript has מה, and it is corrected by Halberstam.

⁹⁸ The edition reads שנתת לנו שמותיו ודברם אצלם, which gives no sense at all. Halberstam emends it to שהנחילנו, which does not suit the context. My emendation is quite obvious: פ was misread as נ, and the word was therefore divided into two. ודברם may perhaps be read as וזכרם, but ודבריו is more suitable, and the corruption may be accounted for by the fact that וי written in a cursive hand may be easily misread as ם. What Hefes wrote in Arabic was no doubt אכתלפת אסמאה ואקואלה ענדהם. The idea expressed is that all rational beings know that He is the true God, they only differ as to His names and sayings. This is a thought often met with in mediaeval Jewish philosophy, and its origin is in Menahot 110 a, where this very verse is cited.

⁹⁹ Malachi i. 11.

¹⁰⁰ This word is missing in the text. As it is the method of Hefes in this passage, as well as in the fragment of the original, to explain each word and phrase, there can be no doubt that he elucidates the phrase אין עוד of the Deut. verse, and that it has no connexion with the preceding. Hence it is necessary to supply some such word as ומה. Hefes wrote קולה, and had one of the Ibn Tibbons translated it he would have put וְאָמַר. But our translator lived before that period in which it was considered fashionable to imitate the Arabic idioms and constructions, and he therefore rendered that word by ומה שנאמר, or perhaps by ומה שאמר.

¹⁰¹ The printed edition has ואין, which is obviously an error.

¹⁰² Pirḳē Abot, 2. 14.

לאפיקרים. והוצרכתי לפרש בזה המקום ראייה להתחזק בה באמת כי הוא יחיד ויוצר הכל. הוי יודע כי כל הנמצא וחידוע מצמחים של האדמה וכל בעלי החיים נוסד ונכון מארבעה דברים שהן אדמה ומים אש ואוויר מהן נוסד ואליהן הוא שב ונמחה. וזה ידוע בראיות נכונות והיסוד בהן נראה ונבחן. ומאחר שהיסוד נראה ונבחן כי נכונ ונועדו יחד ידענו מבינתנו כי יוצר אחר יסדם ולא נוסדו מעצמם לפי שיש מהם שמתגבר על חבירו ובולעו ומפסידו כגון המים שמכבה את האש והרוח שמיבש את המים וכן כל אחד לחברו. ועוד שנפסדים ושבים לאין. וכן גלגלי עולם והכוכבים יודעים כי אחר יסדם ¹⁰³ [ולא נוסדו מעצמם לפי שכל אחד לו מעלה ונבירה וזוהו אנו יודעים כי אחר יסדם] ¹⁰⁴ ולא נבראו מעצמם. ומאחר שידענו מבינת לבנו כי יש לכל יוצר ויוסד ואין כל דבר נוסד מעצמו ברור וידוע באמת ובוראי כי יוצר העולם ובוראו ומושלו ומנהיגו אדון הכל בלא ספק ובלא תמיהה והוא אלהים לבדו אשר לא יערכנו דמות ותמונה כדכתיב ¹⁰⁵ אל מי תדמיון אל וזה דמות תערכו לו. וכן אמר משה רבינו ¹⁰⁶ ותמונה אינכם רואים זולתי קול. ובאלו הראיות יתקיים בדעתנו ויתברר במחשבותינו שהאלהים נמצא ואין אנו יודעים לו תמונה ודמיון זולתי זוהר כבודו כדכתיב ¹⁰⁷ ותמונת ה' ביט והוא דמות זוהר כבודו ומה ¹⁰⁸ שהוא קרוב לכבודו לענין אע"פ שאינו דומה זה לזה. בזמן שאנו נכנסין לבית בנוי שאין הבנאי שבנאו מצוי ידענו כאלו היינו מצויין בשעת בניינו כי בנאי בנאו בלי ספק. ואלו היינו משיבין אל דעתנו דמות הבנאי וצורתו וקומתו ¹⁰⁹ [וצבע שערו ורב ענייניו] לא היינו משיגין ¹¹⁰ [באמונתנו] כל עניינים שהוכרנו. ומאחר שאין משיגים אנו לדעת ענין

¹⁰³ The sentences enclosed in brackets were omitted by the copyist through homoioteleuton, and were afterwards supplied at Halberstam's request by two gentlemen who had the manuscript before them. See Halberstam's preface, p. x, and notes on p. 290.

¹⁰⁴ The printed edition has **אחר**, which gives no sense.

¹⁰⁵ Isa. 40. 18.

¹⁰⁶ Deut. 4. 12.

¹⁰⁷ Num. 12. 8.

¹⁰⁸ The printed text has **ומהו**.

¹⁰⁹ These words are added in the same way as is explained in note 103. Instead of **שערו** the printed text has **לכוצר**, which gives no sense. I am not confident about this emendation.

¹¹⁰ See note 103.

בן אדם כמונו ממלאכתו קל וחומר היאך נשיג דמות יוצר חבל ית"ש. והבאתי ראיה זו להתאמן¹¹¹ בלבבנו ולהתברר בדעתנו בודאי כי יש לכל מלאכה עושה מעדות המלאכה כאלו היינו רואים אותו בעשותו אותה¹¹² [ולא תנכר הדעת את עושה לפי שאינו מצוי עמנו כי זה המשל מקרב הדעת לכך] כדכתיב¹¹³ הלא ידעת אם לא שמעת אלהי עולם ה' בורא קצות הארץ לא ייעף ולא ייגע אין חקר לתבונתו. **המצוה השנית** מצוה אותנו ליחד הבורא ולהאמין בלי שום ספק כי הוא אחד באמת בלבנו ובמחשבותינו ואין עוד אחר זולתו. לא נחשוב לו מראה ודמות שום גוף דבר בעולם ואע"פ שיזכירו לו כתבי הקדש כגון עיני ה'¹¹⁴ יוד ה'¹¹⁵ והארץ הדום רגליו וכהנה רבות כי לא הזכירו כך אלא להמשיל ללשון בני אדם כדכתיב עוד¹¹⁷ נשבע ה' בימינו ובורוע עוזו. והייבים אנו להאמין באמת ובוודאי שהוא אחד בעצמו ובכבודו בלא רבוי ובלא מיעוט ובלא חיבור ובלא פירוד ובלי שני ונענוע וכל אחד זולתו יתרבה ויתמעט ויתחלק ויתחדש ויתישן ומתחבר ומתפרד ויש לו תחלה ותכלה ושינוי ונפסד ונתכן. ובוראנו יתעלה וזכרו לא ישיגנו אחת מאלה כדכתיב¹¹⁸ שמע ישראל ה' אלהינו ה' אחד. והרועה להבחין שאין אחר זולתו על העקר¹¹⁹ יחפש בחק ענין אחד ורבים והמספר והספור יתברר לנו שהמספר רבים אחד אחד הוא כמו שהורו ראשונים. ומאחר ששנים וג' וד' ועוד אחרי האחד בידוע שהאחד ראשון לכל המספר בלי ספק. וכן יתברר כי¹²⁰ הרבים כלל על¹²¹ האחד והאחד מוקדם להם שאחר האחד אנו סופרים המספר האחר¹²² ואין אומרים ב' וג' ועוד אלא אחרי אחד מוקדם להם. ומאחר שנתברר לנו אמתת הדבר שבוראנו יתעלה וזכרו ראשון לכל

¹¹¹ Kaufmann, p. 335, emends it to להתאמן. But there is no need to alter the text. The Hithpa'el is here used as the biblical Niph'al. Comp. Isa. 22. 23.

¹¹² See note 103.

¹¹³ Isa. 40. 28.

¹¹⁴ Zach. 4. 10, and many other places.

¹¹⁵ Exod. 9. 3, and many other places.

¹¹⁶ Isa. 66. 1, where it is רגליו, not רגלי.

¹¹⁷ Ibid., 62. 8.

¹¹⁸ Deut. 6. 4.

¹¹⁹ Arabic على الأصل.

¹²⁰ The printed text has וכן.

¹²¹ Arabic شمل على.

¹²² The printed text has האחד.

ראשון אנו יודעין שאין כמוהו ואין לו שני ודומה שהטועים האומרים שיש לו שני לא יוכלו לכון בדעת שלימה שהוא אחד. ולפי שנתברר שהוא ראשון לכל ראשון נתברר שאין לו שני. ובורא הכל לא יתכן להיות ¹²³ [לן] מכל הפנים שהזכרנו שיש לכל דבר זולתו כי הוא אחד באמת ואין אחר זולתו כאשר הקדמנו לעיל. וכל דבר שיש לו דומה וחבור ופירוד ושינוי וגוף ונענוע יתרבה ויתמעט ויש לו תחלה וסוף ואינו אחד על העיקר. ומאחר כל הראיות האלו ידענו באמת ובעיקר כי אלהינו אחד כדכתיב ¹²⁴ ראו עתה כי אני אני הוא ואין אלהים עמדי אני אמית ואחיה מחצתי ואני ארפא ואין מידי מציל. ועוד כתיב ¹²⁵ הלא ידעת אם לא שמעת אלהי עולם ה' בורא קצות הארץ לא ייעף ולא ייגע אין חקר לתבונתו.

‘The first precept enjoins us to unite our mind and thoughts on the truth of the matter; to make our Creator exist in our heart, and to consider Him Lord of all things without a shadow of doubt, and without any other thought; to know that He is truth; as it is written: *Know therefore this day, and lay it to thy heart, &c.* The words *know therefore this day* imply: while thou art yet alive; for after a man’s death his knowledge will not avail him, and he will not be able to repair the error which he committed during his life. And the words, *and lay it to thy heart*, imply that thou shouldst lay this matter to thy mind and the vision of thy heart, as it is written: *And I applied my heart to seek and to search out by wisdom.* The proof that laying a thing to one’s heart makes one understand it is to be found in the words of the prophet, who says concerning a man who does not set his heart to differentiate between the essential and the unessential: *He calleth not to mind, neither is there knowledge or understanding to say,*

¹²³ See note 103.¹²⁴ Deut. 32. 39.¹²⁵ Isa. 40. 28.

I have burned half of it in the fire. And the meaning of the words, *that the Lord* (יהוה) *He is God*, is that He is existent in truth, for the word יהוה denotes something that exists. And the name אלהים signifies something fundamental, for He is fundamental, and He is everything; as it is written: *In the beginning Elohim created.* He was only named יהוה after man and the universe were created. The word יהוה explicitly states that He is Master and Lord of all. Seest thou not that the word יהוה explicitly states that He is Master of all created things? Nor can any one be proclaimed Lord until the thing over which he is Lord becomes a fact; similarly no being can be established unless it has a master. But the name Elohim is fundamental, and does not imply priority, or posteriority, or the existence of a created thing. The ancients say concerning the verse *in the day when יהוה אלהים made earth and heaven: He mentioned a complete name concerning a complete world.* The words *in heaven* indicate all that is in heaven, stars and angels; for all worship Him, and believe in truth with all their power and understanding, as it is written: *And the heavens shall praise Thy wonders, also Thy belief in the assembly of the holy ones. For who in the skies can be compared unto the Lord? Who among the sons of the mighty is like unto the Lord? &c.* And the words, *and upon the earth*, signify that which is on earth, rational beings and animals; for it is evident from all things that He is the God of truth. All rational beings acknowledge this, and believe in that thing, although His names and words vary among them. For it is written: *For from the rising of the sun even unto the going down of the same, My name is great among the Gentiles.* And the words *there is none else* indicate that He is the only

one in truth, as I shall explain in this section. Our teachers of blessed memory said that a man should learn all proofs that might possibly occur to him that He is one, and there is no other, as it is said: *Be diligent to learn the Law, so that thou mayest know what to answer a heretic.* I am obliged to explain here this proof in order that one may be strengthened in the truth that He is one, and is the Creator of all things. Know that all things that exist and are known, vegetables and animals, are composed of four elements, which are earth, water, fire, and air: it is from them that they are created, and it is to them that they will return, and become effaced. This is known by true demonstration. The element in them is visible, and can be tested. Now since the element is visible and can be tested, for they are established and blended together, we know from our understanding that another creator moulded them, and they were not created of their own accord. For some of these elements may overpower the others, annihilate and destroy them, as, for instance, water extinguishes fire, and the wind dries up water; and similarly in other cases. Moreover, they decay and vanish. Similarly it is known that the spheres and stars were created by some one else, and were not created by themselves. Now since we know by the understanding of our heart that everything has a creator and a founder, and that nothing is created by itself, it is clear and evident with truth and certainty that He who founded and created the world, who rules and guides it, is Master of everything without doubt or uncertainty. He is God alone to whom no image or likeness can be compared, as it is written: *To whom then will ye liken God? or what likeness will ye compare unto Him?* And so did Moses our teacher say:

And ye saw no form, only ye heard a voice. By these proofs it is established in our minds, and becomes manifest in our thoughts that God exists, and that we know of Him no form or likeness except the splendour of His glory; as it is written: *And he beholds the form of the Lord.* And that is the form of the splendour of His glory, and that which is approximately near His glory, though they do not resemble one another.—When we enter a house, although the builder who built it is not present, we know that undoubtedly a builder built it, as if we were present at the time of its construction. But if we try to conjure up in our mind the form and likeness of the builder, his stature, the colour of his hair, and other details, we would fail to accomplish it by mere belief. Now since we are unable to grasp, from his work, the details about a man who is like us, how much less can we conceive the likeness of the Creator of all things, blessed be His name! I give this proof in order that it may be fixed in our heart, and established in our mind with certainty, that the fact that a thing is made is evidence that there is a maker, as if we had seen him make it; and the intellect cannot deny the existence of the maker merely because he is not present, for this parable makes this idea clear to the mind. As it is written: *Hast thou not known? hast thou not heard? The everlasting God, the Lord, the Creator of the ends of the earth, fainteth not, neither is He weary, there is no searching of His understanding.*

‘The second precept enjoins us to consider the Creator as the only one, and to believe in our heart and thoughts that He, in truth and without any doubt, is one, and that there is no other besides Him. We must not attribute to Him any likeness or semblance of any corporeal thing

in the world, although such things occur in Scripture, as for instance, *the eyes of the Lord, the hand of the Lord, the earth is My footstool*, and many other similar cases. These expressions are only used in order to liken Him in accordance with human speech, as it is also written: *The Lord hath sworn by His right hand and by the arm of His strength*. It is also our duty to believe with truth and certainty that He is one in His essence and glory, without increase or decrease, without conjunction or division, without change or motion. But everything else besides Him increases and decreases; is divisible; becomes new and old; is joined and divided; has a beginning and an end; is subject to change; decays and is set firm. None of these things, however, apply to our Creator, whose memory is exalted, as it is written: *Hear, O Israel, the Lord is our God, the Lord is one*. And he who desires to prove that there is no other besides Him at all, should investigate the law of singular and plural, of the number and the numbered. It will become evident that the plural is composed of units, as the ancients have taught. Now since 2, 3, 4, &c. come after 1, it is evident that 1 is without any doubt prior to any other number. It is also established that the plural contains 1, and that 1 is prior to all the others, for after 1 we count the other numbers, and we only say 2, 3, &c. after we said 1. Now since the truth of the matter has been established that our Creator, whose name is exalted, is prior to anything that is first, we know that there is none like Him, that He has no second or anything similar. For those misguided people who declare that He has a second cannot be consistent with a perfect mind and say that He is one. Since it has been established that He is prior to anything that is first, it is manifest

that He has no second. In consequence of all the reasons we have mentioned, it is inconceivable that the Creator of all things should have any of the qualities possessed by all other beings. For He is one in truth, and there is no other besides Him, as we have stated above. For anything that possesses a similitude, adjunct, divisibility, changeability, corporeality, and motion must necessarily be subject to increase and decrease, and must have a beginning and an end, and hence is not one at all. From all these proofs we know in truth and principle that our God is one, as it is written: *See now that I, even I, am He, and there is no God with Me; I kill and make alive; I wound and heal; and there is none that can deliver out of My hand.* It is also written: *Hast thou not known? hast thou not heard? The everlasting God, the Lord, the Creator of the ends of the earth, fainteth not, neither is He weary, there is no searching of His understanding.'*

In this passage the kernel of mediaeval Jewish philosophy is contained, for it is practically on these lines that later Jewish philosophers proved the existence and unity of God. Kaufmann was certainly right in pointing out that Bahya followed Hefes in proving the existence of God from the composition of the four elements.¹²⁶ Here again Hefes meets with Sa'adya who treats of the same topic in the second chapter of *al-Amānāt wal-I'tikādāt*. They both explain the anthropomorphic expressions that occur in the Bible.¹²⁷ The difference in temperament between these two writers is clearly marked. Sa'adya was always in a polemical vein, and consequently treated the

¹²⁶ See Judah b. Barzillai, *Commentary on the Sefer Yesirah*, p. 335.

¹²⁷ Comp. especially *وهذه [الالفاظ الجسمية] ارشدك الله وامثاله مجازات* (ed. Landauer, p. 89).

subject from all possible points of view, refuting actual and imaginary doctrines. He is never content to expound his own beliefs, but is always at pains to prove the untenability of any other opinion. Ḥefeṣ, on the other hand, is calm and impassive. Nothing exists for him but his own convictions. His thoughts and ideas are simple and naive. He does not enter into intricate discussion, but gives illustrations from familiar objects. As his own convictions are to him self-evident, there is no need to refute the doctrines of others. Grant his premisses, and his conclusions will follow quite naturally.

Whether Ḥefeṣ wrote any special treatise on philosophy is unknown. As such a book is nowhere mentioned, the assertion may be hazarded that he incorporated all his philosophical speculations in the Book of Precepts.

Another book by Ḥefeṣ is alluded to by himself in the Book of Precepts.¹²⁸ This was a treatise on Quantities or Measures (מקדרי, i. e. שעורים). But only the intention of composing a book devoted to this subject is recorded there, and it is not known whether he carried out his resolution. It should be observed that the passage in question is slightly corrupt. It is as follows: ושרוח הדד אלמעאני פיטול פנכתצה ולאן קד עולנא עלי בסט שרה אלמקאדיר אעני אלשעורים פי כתאב אן נפרד לה. *The explanations of these subjects are long; we abridge them, because we have in mind to treat at full length of all the quantities in a book which we shall devote to this subject.* The verb עול is ambiguous, as it usually denotes *he relied upon*. Accordingly it would be reasonable to assume that the book had already been written. Dozy, however, gives also the meaning of *prendre résolution*, and this suits most admirably the continuation

¹²⁸ Fol. 19 a, l. 1. See note to that passage.

נפרד. It is the latter word, which is imperfect, that forces the conclusion upon us that when Ḥefeṣ wrote that remark the book on Quantities was not yet committed to writing. Whether it was ever written cannot be stated with certainty. It is nowhere else quoted, and in absence of any corroborative evidence about the existence of such a work, this question must be left undecided.

As to the glossary to the words of פטום הקטרת (תפסיר) (אלפאנט מפיטום הקטורת)¹²⁹ it can be stated with certainty that it never formed a separate work. It is a very brief commentary, and extends over half a page. It was the system of Ḥefeṣ to give an explanation of the difficult words that occurred in the biblical or rabbinic passages that he quoted. Such 'commentaries' are found in our fragment.¹³⁰ It is to the credit of Steinschneider that he recognized this commentary as an extract from the Book of Precepts.¹³¹ This conjecture is now indisputably verified.

It is unlikely that Ḥefeṣ is the author of the glossary to the Halakot Gedolot (אלפאן גדולת לחפץ) which is mentioned in a Genizah fragment containing lists of Hebrew and Arabic books.¹³² We know that Ḥefeṣ was no admirer of the author of that work. We have the testimony of Ibn Bal'ām and Maimonides that Ḥefeṣ severely criticized the method of the author of the Halakot Gedolot, and he would have had little reason to help to popularize that work, unless we assume that he wrote the glossary in the early part of his life, while he was still under the influence of that great codifier.

¹²⁹ It has been printed in its entirety by Horowitz in *בית נבות ההלכות*, II, pp. 63 ff.

¹³⁰ See fols. 27 b and 29 a.

¹³¹ *Arabische Literatur der Juden*, § 62.

¹³² See Poznański, *אנשי קירואן*, p. 27, note 2.

Two anonymous works on Halakah have been ascribed to Ḥefes without any justification. Part of a halakic Midrash was published by Dr. J. M. Freimann under the title וחזיר, Ḥefes Alluf being given as the author.¹³³ This assumption rests on faulty, though ingenious, combinations. The identity of the book itself cannot be established with certainty, and there is not a particle of evidence to justify any connexion with Ḥefes. There is accordingly no need to compare that book with the Book of Precepts in order to show the difference of method adopted in this work. Indeed, Freimann himself saw the weakness of his position, and in his preface to the second volume admits that his assumption is full of serious difficulties.¹³⁴ Nevertheless he allowed the name of Ḥefes to appear as the author. The statement of Freimann that Ḥefes lived after the author of the *Midrash Hashkem*¹³⁵ rests on a misunderstanding of the passage from Samuel b. Jam's הלכות שחיטה. Freimann had this passage in a Hebrew translation which was very vague. Samuel b. Jam's words do not in the least connect Ḥefes with the author of that book. He merely gives a certain opinion about הגרמה, and then remarks וְהוּא אֵלֶּיךָ אֵלֹדִי (!) סִלְכָהּ ר' חֲפִיז, *This is the way which Ḥefes Alluf entered*, that is to say, Ḥefes expressed the same opinion.¹³⁶

The other book is that which is known under the title of ספר המקצעות. Rapoport at first ascribed it to R. Ḥanan'el.¹³⁷ But having been confronted with a number

¹³³ His reasons for this identification are given in his preface, I, § 3.

¹³⁴ Chapter V, towards the end.

¹³⁵ Preface, vol. I, § 4, end.

¹³⁶ See Steinschneider in Geiger's *Zeitschrift*, II, p. 77; *ibid.*, XI, p. 94; *Hebräische Bibliographie*, 1869, p. 133; *ibid.*, 1873, p. 4.

¹³⁷ See his biography of R. Ḥanan'el, note 36.

of difficulties, he was obliged to give up that view, and subsequently transferred the authorship to Hefes.¹³⁸ He even goes to the extent of suggesting that the ספר המקצעות was part of the Book of Precepts, and dealt with civil law. The name מקצעות is accordingly an allusion to the talmudic passage in which it is stated that he who wishes to be wise should occupy himself with civil law, for there is no branch of the law greater than that.¹³⁹ There is apparently some support for this view in the fact that one of the quotations from the ספר המקצעות actually occurs in the fragment of the Book of Precepts which has been preserved. Thus it is said in *Piskē Recanate*, 464: כתבו רי"ף ור"ח ז"ל: דאע"ג דאין גובין קנס בבבל מנדין ליה עד דמפייס לבע"ד וכן כתוב בספר המקצעות. The same opinion is expressed by Hefes who gives a more detailed description of the procedure: פאמא אן אסתערדא ראובן עלי שמעון פלילום אלאחאכא ארצא ראובן ואלרצא פי דלך פגיר מחדוד כאלמחדוד מנה פי ארץ ישראל וחדה פי גיר ארץ ישראל תוסט תקאת אהל אלמכאן חסב האלתי אלכעמין פי אלומאן אלאחאצ'ר פאן תאבא שמעון ען קבול דלך פליחרם לדלך. *If Reuben complained against Simeon, the Judge must compel Reuben to satisfy Simeon. The amount wherewith he is to satisfy him is not fixed as it is in Palestine; but it might be determined by some of the respectable people of the town in accordance with the circumstances of the two litigants. If Simeon refuses to comply with the decision, he is to be excommunicated.*¹⁴⁰ This concurrence of opinion, however, must be regarded as accidental, for a number of authorities are cited who rendered the same decision. In *Piskē*

¹³⁸ *Kebūzat Hakamim*, p. 55.

¹³⁹ *Baba batra* 175 b. See Rapoport, *op. cit.*, p. 58.

¹⁴⁰ *Fol.* 2 b, ll. 12 ff. The case treated of is as follows: Simeon owes Reuben some money which is in the category of *fine*, and hence cannot be collected in Babylon.

Recanate, Alfasi, R. Ḥanan'el and ספר המקצעות are quoted, while R. Meir of Rothenburg ascribes this opinion to the Geonim, Alfasi, Natronai, and Ḥefes.¹⁴¹ Rapoport, accordingly, might have ascribed the ספר המקצעות to Natronai.¹⁴²

On the other hand the *Sefer Ḥefes* which is frequently quoted by French and German Halakists should be allowed to have Ḥefes as its author. Although none of the quotations from the *Sefer Ḥefes* happens to be preserved in our fragment, and there is thus no evidence of a positive nature for this identification, there is no sufficient ground for rejecting this obvious connexion of Ḥefes with that book. This *Sefer Ḥefes* was in all probability the Book of Precepts which the Halakists who were not familiar with Arabic quoted second hand, and hence the name of the author was unknown to some of them.¹⁴³ There is hardly any likelihood of that book having been translated in its entirety into Hebrew. For in that case its disappearance would have been strange indeed.

Two objections have been raised against the identification of this book with the Book of Precepts, but on careful examination they will be found to have no weight. It has been remarked that the quotations from the Book of

¹⁴¹ *Responsa*, ed. Prague, 250. See Rapoport, *op. cit.*, p. 56.

¹⁴² I cannot resist the temptation of putting down a suggestion which occurred to me, and might occur to some one else, though I am perfectly convinced it is utterly unfounded, and that is to consider the ספר המקצעות as a translation of the כתאב אלמקאדיר. The root קצע is sometimes synonymous with קצב, which would be a good equivalent for قدر in some of its significations. But, as in Hebrew, the technical term is שיעור, this suggestion cannot be seriously considered.

¹⁴³ Abraham of Lunel, who quotes Ḥefes in המנהיג, pp. 61 a and 67 a, took the passage from Isaac ibn Ḡayyāṭ. Similarly, in *Pisḡe Recanate*, 386, it is explicitly stated that the quotation is borrowed from Alfasi. Comp. especially Judah b. Barzillai's quotation discussed above.

Precepts are of a different nature from those of the *Sefer Hefes*.¹⁴⁴ This is, however, not borne out by the data at our disposal. It can be safely asserted that all quotations from the *Sefer Hefes*, with the exception of one or two which will be presently dealt with, may have easily formed part of the Book of Precepts. See especially the passage in *Or Zarua'*, III, *Piskē Baba Ḳamma*, 370, where the exact meaning of הִפֵּה is determined by biblical usage of that verb. This is the method of Hefes throughout his Book of Precepts.

The other objection is based upon the fact that Hefes is supposed to be quoted in the *Sefer Hefes*. R. Moses of Coucy, in his *Sefer Mišwot Gadol*,¹⁴⁵ says: ובספר חפץ כתוב שכך היה נוהג מר חפץ גאון שמביאין שטים וג' בחובות מקרובותיה ונותנין כפחות' שבהן. If Hefes was the author of the *Sefer Hefes*, it is asked, how is it possible that he should mention his name in this manner? Rapoport, who anticipated this objection, suggests an ingenious, though hardly convincing, solution. Hefes, he says, was blind, and was therefore unable to write. His pupils, accordingly, wrote down whatever he dictated to them, and subsequently added all the customs their teacher observed. As a mark of respect they called the book after their teacher, and dignified him with the title Gaon.¹⁴⁶ The explanation, however, has failed to carry conviction, and scholars are still undecided. But a careful examination of the passage in *Sefer Mišwot Gadol* will not only do away with the objection, but will enable us to use it as proof that Hefes was the author of the *Sefer Hefes*. That R. Moses of Coucy does not quote the passage verbatim is evident from the fact that

¹⁴⁴ See Poznański, קירואין, p. 28.

¹⁴⁵ Positive precept 48, p. 127 b.

¹⁴⁶ *Ḳebuṣat Ḥakamim*, p. 56.

he does not state under what circumstances the marriage documents are to be brought. He only gives the mode of procedure, but does not say when this is to be done. Of course the circumstances are fully explained in the *Sefer Mišwot Gadol*, and hence the reader sees to what it refers. Accordingly the quotation from the *Sefer Ḥefes* is not in *oratio recta*, but in *oratio obliqua*, and the original words were *וכן המנהג*. R. Moses of Coucy, wishing to avoid ambiguity, stated whose custom it was. For if he said *וכן המנהג* it might have been taken to mean that he himself was accustomed to do so. This hypothesis is not without foundation. For this practice in the case of a widow or divorced woman who lost her marriage document is given at full length by R. Meir of Rothenburg in the name of the *Sefer Ḥefes*, and is as follows: *כתב בעל החפץ אשה שאברה כתובתה ונתאלמנה או נתגרשה גובה אפי' תוספת ומביאי' ב' או ג' כתובות של קרובותיה ונותני' לה כפחותה מהן ובשבעה וכן המנהג*.¹⁴⁷ Here we have the same passage from the same book in *oratio recta*, but instead of the words *וכן המנהג* we simply have *וכן המנהג*. That the last two words were not added by R. Meir of Rothenburg¹⁴⁸ is evident from the omission of the sentence *וכן המנהג*. It thus becomes quite clear that R. Moses of Coucy, who seems to have been well informed, knew that Ḥefes was the author of the *Sefer Ḥefes*, otherwise he could not have amplified the words *וכן המנהג* in the manner he did.

Further support, though less conclusive, for this view is to be derived from the curious fact that a number of

¹⁴⁷ *Responsa*, ed. Prague, 852.

¹⁴⁸ Indeed, *Mordekai* on Ketubot IX, § 234 (ed. Wilna), who quotes this very passage, omits these two words. But it is obvious that he borrowed the quotation from R. Meir of Rothenburg, and did not know where it ended.

Halakists of the thirteenth century ascribed this book to R. Ḥanan'el.¹⁴⁹ Rapoport conclusively demonstrated that a number of decisions quoted from the *Sefer Ḥefeṣ* are opposed to those found in R. Ḥanan'el's authenticated works. It was this consideration that led Rapoport to accept the suggestion of Reifmann, anticipated by Fürst, that Ḥefeṣ was the author of that book.¹⁵⁰ Now this confusion of authors can only be accounted for if the real author of that book had the initials ר"ח, which were intended to stand for רב חפץ. But to some Halakists who were not familiar with Arabic this name was unknown, and they therefore took these letters to stand for ר' חננאל. Had not these letters been the initials of the real author, the confusion could hardly have arisen.

We thus have three arguments in favour of the authorship of Ḥefeṣ: (1) The obvious connexion of the names; (2) the quotation in *Sefer Miṣwot Gadol* and Responsa of R. Meir of Rothenburg; (3) the wrong ascription to R. Ḥanan'el. On the other hand, no evidence whatsoever has been hitherto adduced against his authorship.

There are, however, some quotations from the *Sefer Ḥefeṣ* which, to my mind, could scarcely have formed part of the Book of Precepts. Thus from the *Or Zarua'* it seems that the *Sefer Ḥefeṣ* contained Responsa of Natronai and decisions of Palṭoi and the Academies.¹⁵¹ Now I have often had the occasion to remark that Ḥefeṣ never quotes post-talmudic authorities. Moreover, in some cases this work is called ספר חפץ, and in others ספר החפץ. The latter occurs in the passage where Palṭoi is quoted. I therefore

¹⁴⁹ See Rapoport, *R. Ḥanan'el's Biography*, note 36.

¹⁵⁰ *Keḥuṣat Ḥakamim*, pp. 55 ff.

¹⁵¹ III, Baba ḥamma 281, 284.

venture to suggest that there were two books, one called ספר חפץ, and the other ספר החפץ. The former was the Book of Precepts, and meant *the Book by Hefeş*, while the latter was a collection of gaonic responsa and decisions, and was probably vocalized ספר הַחֶפֶץ, the allusion being to Ps. 34. 13. Later writers confounded these two books, and the distinction was lost sight of. We consequently find extracts from the Book of Precepts headed בספר החפץ,¹⁵² while a Responsum is ascribed to the ספר חפץ.¹⁵³

III

THE BOOK OF PRECEPTS

It is fairly certain that Hefeş b. Yaşliah's Book of Precepts was the first attempt to codify the talmudic laws in Arabic. Indeed it may claim priority in giving an exhaustive, though brief, account of all ordinances in a logical order in any language. He went beyond his predecessors by collecting all the precepts, and arranging them into groups.¹⁵⁴ Instead of arranging positive precepts in one group and negative ones in another, as is done by practically all writers, including Maimonides, he incorporates all precepts, positive and negative, belonging to one category, in one book (פַּעַל). He then divides them into two or more sections according to their subject-matter.

¹⁵² *Or Zarua'*, Baba kamma 370.

¹⁵³ *Ibid.*, 281.

¹⁵⁴ Rapoport (*Ḳebuṣat Ḥakamin*, p. 58) states that Hefeş arranged the precepts without any order or logical division, but divided them into chapters in accordance with the punishments. That this is incorrect is easily seen from the preserved fragment as well as from the two precepts quoted by Judah b. Barzillai. The passage in Maimonides's *Sefer ha-Miṣwot*, p. 55, upon which Rapoport bases his assertion, does not in the least warrant such a conclusion, as will be seen below.

These sections are in their turn subdivided into positive and negative precepts. Where necessary, he assigns different classes to precepts that are obligatory throughout all ages and countries, and to those that are only incumbent during the existence of the Temple, or only in Palestine. It was a monumental work, a code in the real sense of the word, and contained a good deal of material which from the strict point of view of the codifier might have been considered irrelevant. But as a theologian Ḥefeṣ had to assign reasons for every precept. What other writers did in various treatises, he attempted to incorporate in one book. Our fragment, which consists of sixty-three closely written pages, comprises fifty complete precepts and parts of two others, that is to say, about fifty-one precepts. Although they greatly vary in extent, it will be readily granted that we have here a fair sample of the average length of a precept. We are thus justified in assuming that these sixty-three pages represent a little less than a twelfth part of the book, minus the introduction, so that the enumeration and discussion of the precepts occupied approximately eight hundred pages. Add to this the introduction, which must have been rather lengthy,¹⁵⁵ and it is evident that the entire book contained something like a thousand pages.

As we do not possess Ḥefeṣ's introduction (مدخل) to this book we cannot state with certainty the reasons that induced him to compose the Book of Precepts. It is, however, easy to see that his purpose was mainly halakic. Not being satisfied with the treatment of the subject in the Halakot Gedolot, which is incomplete, he determined to codify the ordinances in a more convenient manner.

¹⁵⁵ See below.

Furthermore, Arabic at that time practically supplanted Aramaic as the vernacular among the bulk of the Jews, and this book supplied a much-felt need. It could be used by the layman who did not care to enter into the minute discussions of the Talmud which was written in a dialect that few understood in those days; while even the profound talmudic scholar might profit by it, as it contained all the sources upon which the decisions were based. Zunz hesitatingly suggests that it may have been directed against Karaite works of the same title that were written at that time.¹⁵⁶ But the absence of any polemical allusion militates against this view. There is only one place where Ḥefes refutes the opinion of another scholar. This is in connexion with the age when a girl attains her majority.¹⁵⁷ But as the dispute turns on the interpretation of the statement of Samuel אין בין נערות לבגרות אלא ששה חדשים בלבר, it is obvious that the scholar whose view Ḥefes refuted was a Rabbanite.

As to the structure of the Book of Precepts we know that it had a lengthy introduction (מדخل) which, apart from defining the author's system and method, gave a survey of the principles underlying the biblical and talmudic ordinances. Ḥefes states¹⁵⁸ that in the introduction he explained and discussed all cases where option was allowed. It was in that part of the work that his strictures on the author of the Halakot Gedolot were expressed. Although neither Ibn Bal'ām¹⁵⁹ nor Maimonides,¹⁶⁰ from whom we know that Ḥefes criticized the method of the Halakot Gedolot,

¹⁵⁶ Haarbrücker's *Specimen of Tanḥum Yerushalmi*, p. 54.

¹⁵⁷ Text, fol. 22 b.

¹⁵⁸ Fol. 17 a, ll. 17 ff.

¹⁵⁹ Commentary on Deut. 30. 2 (ed. Fuchs).

¹⁶⁰ *Sefer ha-Miśwot*, p. 5 (ed. Bloch).

states in what part it occurred, it is legitimate to assume that it found place in the introduction. For it is in the introduction to his *Sefer ha-Miṣwot* that Maimonides criticizes his predecessors.

It is impossible to say exactly how many parts the book consisted of; but there were at least thirty-six of them, for the thirty-sixth part is quoted by Ḥefes himself.¹⁶¹ In his treatment of individual precepts he is quite methodical, though monotonous. He practically uses the same formula in every case. Positive precepts are introduced by חוב or חאמר, while negative ones invariably begin with תנהי, all of which verbs are either used impersonally or have שריעה as their subject. In a comparatively few words a *résumé* of the biblical law is given. He then goes on to state the ramifications and amplifications added by the Rabbis. He always quotes the passage upon which his decisions are based, first giving the pentateuchal verses and then the rabbinic passages. In this respect he radically differs from Maimonides who does not reveal his sources.

The entire range of tannaitic and amoraic literature is at the command of Ḥefes, and he makes ample use of both Talmudim and of all halakic Midrashim. He refers to the Tosefta, Sifra, Sifre, Sifre Zuṭā, and to both Mekiltas, all of which seem to be of equal authority to him. A curious instance may be given here. The Mishnah in Kelim¹⁶² records a controversy between the schools of Hillel and Shammai concerning the defilement of bands used for wrapping up scrolls. Shammai's school maintain that such bands are subject to ritual defilement, no matter whether they are embroidered or not, whereas Hillel's school are of opinion that only those that are not embroidered are

¹⁶¹ See text, fol. 12 a, l. 15.

¹⁶² 28. 4.

susceptible to uncleanness. Rabban Gamaliel adds his opinion that in both cases the bands cannot be defiled. The Mishnah gives no decision on this matter, but the Tosefta explicitly states that the matter is to be decided in accordance with the opinion of Rabban Gamaliel.¹⁶³ Maimonides in his commentary on the Mishnah,¹⁶⁴ and in his Code,¹⁶⁵ disregarding or overlooking the Tosefta, rejects Rabban Gamaliel's view, and adopts that of Hillel's school, as is usually the case when the Hillelites and Shammites disagree on a point of law. Ḥefes, however, decides in accordance with the opinion of Rabban Gamaliel, and quotes the passage from the Tosefta (without indicating the source, as is his custom) as his authority.

With the scanty material at our disposal it is impossible to attempt a reconstruction of this work. Nevertheless from the quotation found in the works of other writers, and from the numerous allusions in the preserved fragment, we are able to glean a few details which give us some idea of the nature and contents of the other parts. The introduction has already been referred to above. The first book contained ethical precepts, as may be seen from the first two precepts quoted by Judah b. Barzillai. The numerous references to this book show that it was of considerable length. In it Ḥefes had the opportunity of giving utterance to his philosophical and theological speculations. This book also dealt with the relation of God to man, and hence some of the ordinances appertaining to first-fruits and heave-offerings were described there.¹⁶⁶ For the same reason the ethical side of vows was discussed in that book, and a principle was laid down whereby to know

¹⁶³ Tosefta Kelim, Baba batra 6, 4.

¹⁶⁴ Ed. Derenbourg, p. 217.

¹⁶⁵ Hilcot Kelim, 22. 6.

¹⁶⁶ See text, fol. 13 a, l. 22.

what kind of vows may be made nowadays, and which are forbidden.¹⁶⁷ It also pointed out that the judges are obliged to urge a man to fulfil his vows,¹⁶⁸ and that the vow is to be carried out during the time set for it; if no time was set, he must carry it out at the earliest opportunity.¹⁶⁹ Maimonides, too, preserved a short sentence which is supposed to belong to the first book. It is as follows: ומנהא אהנין וחלתין מעני אכברנא באנה תב ותע יתולי פעלהא : לא נחן נמיעהא מצמון. *Out of them are thirty-two cases concerning which He informed us that He who is blessed and exalted will supervise their committal, not we; all of them are explicitly stated.*¹⁷⁰ Maimonides who explains this passage says that the thirty-two cases are twenty-three persons who are punished with being cut off (כרת), and nine who are put to death by God. We thus know that this book treated of certain transgressions and their punishments. It should, however, be observed that Maimonides does not mention Hefes by name in this passage. It is the plausible

ואלנדור אלתי יצה פעלהא פי הדא אלומאן וזא לא יצה פעלהא ¹⁶⁷
 פקד דכרנא עיונהא פי אלפעל אלואל (*ibid.*, l. 19).

¹⁶⁸ See text, fol. 20 b, l. 4.

¹⁶⁹ *Ibid.*, fol. 21 b, l. 20.

¹⁷⁰ *Sefer ha-Miṣwot*, ed. Bloch, p. 55. My translation of the last word is against the Hebrew rendering of Ibn Tibbon, who translates מצמון by נערכים, *guaranteed*. Although that word happens to have that signification, it is more than doubtful whether it suits the context. Moreover, Maimonides explains the words נמיעהא מצמון in the following manner: אנה תע צמן אנה, *that He who is exalted explicitly stated that He would cut off one and put the other to death*. Here again Ibn Tibbon has ערב for צמן. But where is the guarantee expressed? or what need is there for a guarantee? What Hefes said is that some punishments are to be administered by God Himself, and this would naturally be in cases where the Bible states וְהַכְרַתִּי or some other word. Now צמן means *be placed, deposited*, and hence also *contained* (in the fifth conjugation, which has a passive meaning). The signification *he stated* is a simple development of *he made it contain* (as the contents of a book).

conjecture of Rapoport;¹⁷¹ but it has no independent corroboration, except that in the preserved fragment Ḥefes enumerates twenty actions for which, according to tradition, God, not man, administers punishment.¹⁷² Then even if we grant that Ḥefes is meant by צאחב כתאב אלשראיע, it is not certain whether the above quotation is from the first book. Maimonides uses the expression פי אול פצל which is not elegant Arabic for the *first book*, and ought to be אלפצל אלאול. It is only in colloquial Arabic that one says *awwal nauba* = 'the first time', instead of *annauba al-ūlā*, or better still, *al-marra al-ūlā*. Is it not possible that Maimonides merely meant *at the beginning of a book*, as if he would have said קפי צרר פצל¹⁷³ It is true that Ibn Tibbon who rendered it by בשער הראשון took the phrase in its colloquial sense; but then it is quite possible that the translator misunderstood the author.

To the second book we have one allusion by Ḥefes himself. From it we learn that that book dealt with the acquisition of slaves and all the laws appertaining thereto.¹⁷⁴

The third book, part of which is preserved, dealt with the laws of damages, and contained four sections. Our fragment begins with the middle of precept 8, section 3

¹⁷¹ *Ḥebusat Ḥakamim*, p. 58.

¹⁷² ותצמן אלנקל באן ז פעלא לם תדכרהא אלשריעה עקאב פאעלהא ליסת אלינא בל אללה תברך (fol. 4 a, l. 21).

¹⁷³ The same usage is found in Ḥefes (fol. 8 a, l. 16), פי אול אלפצל אלב, *at the beginning of the second book*.

¹⁷⁴ קר שרחנא הרה אלשריעה שרחא שאפיא פי טי שרחנא כי תקנה. עבר עב פי אול אלפצל אלב נסתנני ען דכר שי מנה ההנא. *I have already explained this precept* (concerning a man sold into slavery for theft, Exod. 22. 2) *satisfactorily in the midst of my explaining the law about the acquisition of a Hebrew slave, at the beginning of the second book; I have thus no need to mention anything here* (loc. cit.).

of this book. Further on a detailed discussion of the precepts that are preserved in this fragment will be given. For the present I only wish to remark that it seems to me that precepts 3-8 and 10, 11 of section 4 of this book do not belong here. All the other precepts deal with damages, while those just mentioned treat of sacrifices. Considering the numerous errors that crept into our copy such a supposition is not precluded.¹⁷⁵ Of course the reverse may just as well be the case, that is to say, it is possible that the precepts dealing with damages are misplaced here, while those treating of sacrifices are in their place. This alternative suggestion would find support in the fact that the immediately following book also deals with sacrifices.

The fourth book treats of free-will offerings, vows, consecrations, and a few other priestly laws. It contains thirty-six precepts, which are divided into three sections according to their subjects.

The fifth book is devoted to special kinds of ritual defilement resulting from coming into contact with dead bodies or creeping things. As the ramifications of these precepts are extremely vast, while only a few verses are devoted to them in the Pentateuch, each precept extends over considerable length. Fourteen pages are taken up by the first two precepts and a portion of the third.

There are two references by Hefes to the sixth book, and from them we learn that it dealt with the tithes of corn, &c.,¹⁷⁶ and the various kinds of blood.¹⁷⁷ It is very

¹⁷⁵ See, especially, text, fol. 8 a, l. 11.

¹⁷⁶ אלמעשרות סנדכרהא פי אלפצל אלו (fol. 13 a, l. 18).

¹⁷⁷ וסנדכר צנוף אלדמא פי שריעה וכל דם לא תאכלו פי אלפצל
אלתאלי להדא אלפצל אן שא אללה. *We shall enumerate the various kinds of blood in the precept 'ye shall eat no blood' in the book which follows this one,*

likely that its main subject was things that are permitted to be eaten and those that are prohibited. Tithes and blood would naturally be included under these headings.

The tenth book dealt with various kinds of blemishes found in animals, according to an allusion to it by Ḥefes.¹⁷⁸

The fourteenth book is once referred to, and we learn that its theme was the firstlings of animals.¹⁷⁹

From the reference to the second precept of the nineteenth book it seems likely that that book dealt with various kinds of defilement. Ḥefes quotes a passage from tractate Nazir dealing with certain causes of defilement, and he then remarks: *I shall explain this passage in the second precept of the nineteenth book.*¹⁸⁰

The thirty-sixth book was similar to the tenth, and treated of blemishes that are found in human beings. According to the allusion to it this book was specially devoted to the elucidation of all the terms used for the various kinds of blemishes.¹⁸¹

It will thus be seen that Ḥefes arranged the precepts in a logical order, but tried to follow the Bible as closely as possible. The ethical precepts take precedence of all others, for they are the mainstay of religion. These ordinances disposed of, the author at once takes up the laws in Exodus, which are followed by those of Leviticus. Keeping the logical arrangement in mind, he is obliged

please God (fol. 26 b, l. 7). As this remark occurs in the fifth book it obviously refers to the sixth.

¹⁷⁸ וסנסתופי שרח דלך ואשבאהה פי אלפצל אלעאשר. *I shall complete the explanation of this subject* (of blemishes) *and similar ones in the tenth book* (fol. 12 a, l. 21).

¹⁷⁹ ואלבכורות איצא פסנדרהה פי אלפצל אלוך (fol. 13 a, l. 19).

¹⁸⁰ וסנשרח דרא אלקול פי אלשריעה אלב מן אלפצל אלוך (fol. 20 a, l. 16).

¹⁸¹ See text, fol. 12 a, l. 14.

to deviate now and again from the biblical order. This is naturally unavoidable, as precepts of the same character are found scattered in two or more books of the Pentateuch. Thus the cardinal precepts of the fourth book of Hefes's work occur in Leviticus, for it is in that book that free-will offerings are first mentioned ; but there are a few kinds of these offerings that are to be found in Numbers. Similarly in the case of vows. The laws appertaining to a Nazarite are to be included in this category, but they occur in the sixth chapter of Numbers, while other ordinances about vows occur in the thirtieth chapter of that book, and some are in Leviticus.

(To be continued.)